

CHAPTER Env-Wq 1100 PUBLIC BATHING PLACES

Statutory Authority: RSA 485-A:6, X; RSA 485-A:26; ***RSA 485-A:26-a; RSA 541-A:16, I***

Readopt with amendment Env-Wq 1101 through Env-Wq 1103, eff. 5-1-14 (doc. #10577), to read as follows:

PART Env-Wq 1101 PURPOSE; APPLICABILITY

Env-Wq 1101.01 Purpose. The purpose of the rules in Env-Wq 1100 is to:

(a) Establish the criteria and procedures for reviewing and approving the design and installation of public bathing places;

(b) Identify standards to protect water quality and the health and safety of persons using public bathing places; ~~and~~

(c) Ensure that public bathing places are maintained and operated safely for patrons; ***and***

(d) ***Implement:***

(1) ***RSA 485-A:26, II(b) relative to registration of PBF establishments;***

(2) ***RSA 485-A:26-a relative to PBF compliance self-certification;***

(3) ***RSA 485-A:27, II relative to emergency closures;***

(4) ***RSA 485-A:27-a relative to certified pool operators; and***

(5) ***RSA 485-A:26, IV relative to equivalent municipal programs.***

Env-Wq 1101.02 Applicability; ***Potential Conflicts.***

(a) This chapter shall apply to all public bathing places as defined in Env-Wq 1102.

(b) If any requirement in Env-Wq 1100 or in any document ***or standard*** incorporated by reference conflicts with any other ***applicable*** requirement or local ordinance, the requirement that is most protective of public health shall apply.

PART Env-Wq 1102 DEFINITIONS

Env-Wq 1102.01 “Air handling system” means mechanical or electrical equipment, or combination thereof, that controls air distribution, air flow, relative humidity, and condensation.

Env-Wq 1102.02 “Automatic chemical controller” means electrical equipment that senses water variables, primarily sanitizer concentrations and pH, and controls feed systems to maintain variables within desired limits.

Env-Wq 1102.03 “Bather” means any individual entering the water at a public bathing place.

Env-Wq 1102.04 “Bromine” means the element having atomic number 35, which is a dark, heavy, reddish-brown liquid in its natural state, that is sometimes used in bathing facility water sanitation.

Env-Wq 1102.05 “Cartridge filter” means a filter that uses a fabric-like cartridge as a filtering medium.

Env-Wq 1102.06 “Certified pool operator” means a pool operator who meets the qualifications established in RSA 485-A:27-a, I, reprinted in Appendix E.

Env-Wq 1102.0607 “Chlorine” means the element having atomic number 17, which is a heavy, green, highly poisonous gas in its natural state, that when compressed into a liquid form can be used to sanitize bathing facility water.

Env-Wq 1102.0708 “Chlorine demand” means the amount of chlorine needed to oxidize organic matter present in bathing facility water, such as combined chlorine, susceptible bacteria, and algae.

Env-Wq 1102.0809 “Circulation system” means the totality of the mechanical components, including but not limited to pumps, hair and lint strainers, filters, valves, gauges, meters, heaters, surface skimmers, inlet/outlet fittings, and chemical feeding devices, that are a part of a system connected to a pool or spa which, when connected to each other by piping, perform as a coordinated system for purposes of maintaining pool or spa water in a clear and sanitary condition.

Env-Wq 1102.0910 “Combined chlorine” means compounds formed when free chlorine combines with nitrogen or ammonia from substances introduced into chlorinated water, including but not limited to urine, suntan oils, hair spray, and perspiration.

Env-Wq 1102.4011 “Common interest bathing place” means a public bathing place that is part of the common facilities of a common interest ownership residential community such as a residential condominium complex, manufactured housing cooperative, or homeowners association, and that is operated by such community for the residents thereof and their guests.

Env-Wq 1102.4112 “Communicable disease” means “communicable disease” as defined in RSA 141-C:2, VI, as reprinted in Appendix C.

Env-Wq 1102.4213 “Cover/grate” means a covering fitting or assembly that separates the bather from the suction sump or piping, sometimes referred to as a “grate” or a “cover.”

Env-Wq 1102.4314 “Cyanobacteria” means a photosynthetic prokaryote within the class Cyanophyceae containing both chlorophyll and phycobillins, some species of which produce cyanotoxins which are toxic to mammals, including humans, and which, when present in large amounts, may cause a blue-green scum to form on the surface of lakes and ponds.

Env-Wq 1102.4415 “Cyanuric acid” means the chemical 2, 4, 6, trihydroxy-s-triazine, which is known in the regulated community as a stabilizer or conditioner that is used to reduce the loss of chlorine in water caused by the sun’s ultraviolet rays.

Env-Wq 1102.16 “Daytime telephone number” means the 10-digit telephone number at which the holder of the number can be reached during normal business hours.

Env-Wq 1102.4517 “Deck” means the area immediately adjacent to or attached to a ~~bathing facility~~ ***pool or spa*** that is specifically constructed for use by patrons for sitting, standing, or walking.

Env-Wq 1102.4618 “Department” means the New Hampshire department of environmental services.

Env-Wq 1102.4719 “Design flow rate” means the rate of flow used for design calculations in a system.

Env-Wq 1102.4820 “Designated beach” means a public bathing place that comprises an area on ***the shore of a surface water body, the adjacent surface water***, and associated buildings and equipment, intended or used for bathing, swimming, or other primary water contact purposes. The term includes, but is not limited to, beaches or other swimming areas at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in RSA 216-I:1, VII. The term does not include any area on a water body ~~which~~ ***that*** serves 3 or fewer living units and ~~which~~ ***that*** is used only by the residents of the living units and their guests.

Env-Wq 1102.4921 “Diatomaceous filter” means a pressure or vacuum-type filter that uses a white powder derived from fossilized organisms called diatoms as a filtering medium.

Env-Wq 1102.2022 “Diethylphenylene diamine (DPD)” means a chemical testing reagent that measures bromine or free available chlorine and total chlorine, wherein the color changes from pale pink to dark red as the concentration of bromine or chlorine increases.

Env-Wq 1102.23 “Electronic portal” means an electronic reporting system designed and intended to be used for submitting documents related to the public bathing place program to the department by electronic means.

Env-Wq 1102.24~~24~~ “Enterococci” means a spherical bacteria often grouped in chains resembling a string of beads, which are a natural component of the intestines of warm-blooded animals and which are used in public health as indicators of fecal pollution.

Env-Wq 1102.22~~25~~ “Escherichia coli (E. coli)” means a group of gram-negative rod-shaped bacteria that are a natural component of the intestines of warm-blooded animals and which are used in public health as indicators of fecal pollution.

Env-Wq 1102.26 “Establishment” means a location that has one or more public bathing places, including but not limited to hotels, motels, health facilities, water parks, condominium complexes, apartment complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in RSA 216-I:1, VII.

Env-Wq 1102.23~~27~~ “Fence” means a structural safety boundary intended to prevent unauthorized entry from the outside, not intended to be sat on, ~~or~~ walked ***on***, or climbed on or over.

Env-Wq 1102.26~~28~~ “Flow meter” means a device that measures the rate of flow of water through piping.

Env-Wq 1102.24~~29~~ “Flow rate” means the quantity of water flowing through a pipe in a specified time, such as the number of gallons flowing past a point in one minute.

Env-Wq 1102.25~~30~~ “Flow-through bathing place” means a public bathing place that has been formed by damming all or portions of a surface water, in which circulation depends on the flow of water, whether pumped or gravity-fed.

Env-Wq 1102.27~~31~~ “Free available chlorine” means that portion of the total chlorine remaining in chlorinated water that is not bound in combined chlorine and so is available as a sanitizer.

Env-Wq 1102.28~~32~~ “Gravity flow system” means “gravity flow system” as described in ANSI/APSP-7, 2013, as reprinted in Appendix D.

Env-Wq 1102.29~~33~~ “Heterotrophic plate count (HPC)” means a laboratory test for culturing and quantifying live bacteria, which are primary indicators of disinfection efficiency. Indicators of health risk include normal skin flora such as Streptococcus, Staphylococcus, and Pseudomonas that are likely to be shed in oils, saliva, and mucus discharges.

Env-Wq 1102.30~~34~~ “Hose bib” means a valve with a threaded connection that is used as a hose connection.

Env-Wq 1102.34~~35~~ “Hypochlorite” means a family of chemical compounds such as calcium hypochlorite, lithium hypochlorite, and sodium hypochlorite, used as a chlorine carrier in public bathing facility water.

Env-Wq 1102.32~~36~~ “Lifeguard” means an individual trained and certified in water rescue and lifesaving who is responsible for supervision and lifesaving at a public bathing place.

Env-Wq 1102.37 “Operating volume” means the calculated volume of water contained within the pool envelope as measured from the horizontal centerline of the skimmer or top lip of the perimeter overflow system, as applicable, that excludes areas created by benches, steps, foot wells, underwater shelves, and other such areas.

Env-Wq 1102.33 (“Operator”) moved, renumbered as Env-Wq 1102.45 (“Pool operator”)

Env-Wq 1102.3438 “Owner” means the person who owns the property at ***or on*** which a public bathing place has been or is proposed to be constructed, ***installed, operated, or maintained***.

Env-Wq 1102.3539 “Oxidation reduction potential (ORP)” means a measure of the ability of chemicals in the water to oxidize, or reduce, ions, generally measured in millivolts (mV).

Env-Wq 1102.3640 “Patron” means any individual using a public bathing place, regardless of whether the individual enters the water.

Env-Wq 1102.3741 “Person” means “person” as defined in RSA 485-A:2, XI, as reprinted in Appendix C.

Env-Wq 1102.3842 “pH” means the expression of the intensity of the acid or alkaline condition of a solution, such as water, as indicated by the hydrogen ion concentration and expressed as a number on the scale of 0 to 14, with 0 being most acidic, 7 being neutral, and 14 being most basic.

Env-Wq 1102.3943 “Phenol red” means a pH indicator used in water analysis in the range between 6.8 and 8.4, wherein the color changes from yellow to red to purple as pH increases.

Env-Wq 1102.44 “Pool” means “pool” as defined in RSA 485-A:26, I(a), reprinted in Appendix C.

Env-Wq 1102.3345 ~~“Pool operator”~~ ***“Pool operator”*** means the individual who has responsibility for the daily operation of a public bathing ~~place~~***facility*** and who is trained in the sanitation, safety, and proper maintenance of the public bathing ~~place~~***facility*** and all physical and mechanical equipment associated therewith.

Env-Wq 1102.4046 ~~“Pool or spa” means the a water-containing structure at an public bathing facility establishment.~~

Env-Wq 1102.4147 “Pressure-type sand filter” means a filter that uses sand or sand and gravel as the filtering medium, through which pool water is pumped under pressure.

Env-Wq 1102.4248 “Primary water contact” means full body contact with water, with or without incidental ingestion of water.

Env-Wq 1102.4349 “*Pseudomonas aeruginosa*” means a gram-negative rod-shaped bacteria that commonly causes illnesses or infections such as dermatitis or folliculitis and otitis externa, or “swimmer’s ear”.

Env-Wq 1102.4450 ~~“Public bathing facility” means a “public bathing place-facility” as defined in RSA 485-A:26, I(b), reprinted in Appendix C. that comprises a water-containing structure and associated buildings and equipment, intended or used for bathing, swimming, or diving purposes. The term includes, but is not limited to, swimming pools, spas, special recreation pools, and therapy pools at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in RSA 216 I:1, VII. The term does not include any bathing facility which serves 3 or fewer living units and which is used only by the residents of the living units and their guests.~~

Env-Wq 1102.4551 “Public bathing place” means a place or location, together with buildings and equipment, intended or used for recreational or therapeutic bathing, swimming, or diving, and operated by or for any governmental subdivision, public or private corporation, partnership, association, or educational institution open to the public, members, or students, whether on a fee or free basis. The term includes public bathing facilities, flow-through bathing places, and designated beaches. The term does not include any bathing place that serves 3 or fewer living units and that is used only by the residents of the living units and their guests ***and does not include any non-recirculating structure that uses potable water as its sole water source.***

Env-Wq 1102.52 “Re-entrainment” means the capture of exhaust gases from a source by the air intake system for the source.

Env-Wq 1102.46~~53~~ “Safety vacuum release system (SVRS)” means a system or device capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to suction outlet flow blockage.

Env-Wq 1102.47~~54~~ “Skimmer” means a mechanical device connected to circulation piping for continuous removal of surface water and floating debris from a public bathing facility.

Env-Wq 1102.48~~55~~ “Spa” means a water-containing structure, sometimes called a hot tub or jacuzzi, that is designed for recreational or therapeutic use and for physiological and psychological relaxation but not for swimming or diving. These facilities are not drained and refilled after each use, instead the water is circulated, filtered, and sanitized. Spas include hydrojet circulation, hot water, cold water, mineral baths, and air induction systems. The term includes structures that are in a fixed location and structures that are intended to be moved from place to place on a rental or other commercial basis.

Env-Wq 1102.49~~56~~ “Special recreation pool” means a water-containing structure or combination of structures that is not intended for swimming or diving but that is used typically for receiving bathers at the end of long slides, flumes, or chutes, or for artificial surfing and similar use. The term includes wave action pools, activity pools, catch pools, leisure rivers, vortex pools, and interactive play attractions.

Env-Wq 1102.50~~57~~ “Stabilized chlorine” means an organic compound that reacts with water to form available chlorine and cyanuric acid, such as sodium dichloro-s-triazinetriene (dichlor) or trichloro-s-triazinetriene (trichlor).

Env-Wq 1102.58 “Steps” means a series of horizontal surfaces used to ascend or descend. The term includes “stairs”.

Env-Wq 1102.59 “Substantial modification” means changes to a pool or spa, other than those required for maintenance, that affect operating volume, pool drain or skimmer sizing, perimeter piping replacement, pump size, filtration capacity, or drain disablement.

Env-Wq 1102.54~~60~~ “Suction outlet” means a fitting, fitting assembly, cover/grate, and related components that provide a localized low-pressure area for the transfer of water from a swimming pool, wading pool, or spa.

Env-Wq 1102.61 “Swimming area” means:

(a) For a pool, the area inside the perimeter of a swimming pool that contains the operating volume; or

(b) For a designated beach or flow-through bathing place, the area delineated by ropes or other means as being available for swimming, wading, and other water contact activities.

Env-Wq 1102.52~~62~~ “Swimming pool” means a water-containing structure that is entirely artificial in construction and is intended for bathing, swimming, diving, or any combination thereof. The term includes structures that are indoor, outdoor, or both.

Env-Wq 1102.53~~63~~ “Therapy pool” means a water-containing structure that is used for bathing and therapeutic use, wherein the water has a temperature higher than that of a swimming pool, usually from 90°F to 104°F.

Env-Wq 1102.54~~64~~ “Total chlorine” means the sum of free available chlorine and combined chlorine.

Env-Wq 1102.~~55~~**65** “Total coliform bacteria” means a group of facultative anaerobic, gram-negative, non-spore-forming rod-shaped bacteria that can be used to provide information on the presence of fecal coliform and E. coli.

Env-Wq 1102.66 “Total volume” means the operating volume plus the volume of water occupied by ladders, steps, and underwater shelves.

Env-Wq 1102.~~56~~**67** “Turbidity” means the measure of suspended materials in water, which can obscure visibility, reported in nephelometric turbidity units (NTUs).

Env-Wq 1102.~~57~~**68** “Turnover time” means the amount of time needed for all of the water in a public bathing facility to pass through the circulation system once.

Env-Wq 1102.~~58~~**69** “Unblockable drain” means “unblockable drain” as defined in the Virginia Graeme Baker Pool and Spa Safety Act, as-reprinted in Appendix D.

Env-Wq 1102.70 “Underwater shelf” means a flat, shallow area of a pool that adjoins the pool wall below the surface of the water, typically used for lounging, sitting, and playing in shallow water. The term includes “swim-out”, “sun shelf”, “Baja shelf”, “tanning ledge”, and “tanning shelf”.

Env-Wq 1102.~~59~~**71** “Virginia Graeme Baker Pool and Spa Safety Act (VGBA)” means Title XVI of the Energy Independence and Security Act of 2007, Public Law 110-140. 15 U.S.C. § 8003.

Env-Wq 1102.~~60~~**72** “Wading pool” means a water-containing structure that has a maximum depth of 2 feet.

Env-Wq 1102.~~64~~**73** “Weir” means a flap within a skimmer that adjusts automatically to small changes in water level and assures a continuous water flow to the skimmer.

PART Env-Wq 1103 APPROVALS

Env-Wq 1103.01 Approval of Public Bathing Places Required.

(a) As specified in RSA 485-A:26, ***II(a)***, no person shall ***construct or*** install, operate, or maintain ***an artificial swimming pool or public bathing place open to and used by the public, or as a part of a business venture, or a public bathing facility*** unless the construction, design, and physical specifications of such ***pool or public bathing place*** have received prior approval from the department.

(b) Designated beaches in operation as of August 1, 2005 shall be deemed to have received prior approval from the department.

(c) The owner of a ~~pool or spa~~***public bathing facility (PBF)*** that has been closed for 12 months or longer shall apply for approval in accordance with this part prior to reopening the ~~pool or spa~~***PBF*** for public use.

Env-Wq 1103.02 Application for Approval of Public Bathing Places.

(a) Any person wishing to obtain approval for a public bathing facility (PBF) shall submit to the department:

- (1) An application, on a form obtained from the department, that contains the information specified in Env-Wq 1103.03 and is signed as specified in (d) and (e), below;
- (2) Plans as specified in Env-Wq 1103.06;
- (3) Specifications as specified in Env-Wq 1103.04;
- (4) The information specified in Env-Wq 1103.05; and

- (5) The fee required by RSA 485-A:26, ~~I~~***II(a)***.
- (b) Any person wishing to obtain approval for a designated beach or a flow-through bathing place shall submit to the department:
- (1) An application, on a form obtained from the department, that contains the information specified in Env-Wq 1103.07 and is signed as specified in (d) and (e), below;
 - (2) The information specified in Env-Wq 1103.09;
 - (3) Specifications and dimensions as specified in Env-Wq 1103.08, on the plans specified in Env-Wq 1103.10; and
 - (4) The fee required by RSA 485-A:26, ~~I~~***II(a)***.
- (c) The applicant shall submit the materials required by (a) or (b), above, to the department ***using an electronic portal, if available, or*** at the following address:
- DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: ~~Public Bathing Place Coordinator~~***PBF Program Manager***
- (d) The applicant and the owner, if other than the applicant, shall sign and date the application form.
- (e) The signature(s) shall constitute certification that:
- (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
 - (2) The signer understands that:
 - a. The submission of false, incomplete, or misleading information is grounds for denying the application or revoking any permit that is issued based on the information; and
 - b. That he or she is subject to the penalties established in New Hampshire law for making unsworn false statements.

Env-Wq 1103.03 PBF Application: Site and Contact Information. The application for approval of a PBF shall include the following information:

- (a) The name of the establishment at which the PBF will be located;
- (b) The street address, municipality, state, and zip code where the PBF will be located;
- (c) The type of PBF for which approval is being requested;
- (d) Whether the PBF is an indoor or outdoor facility, or both;
- (e) ***The name, mailing address, license number, license expiration date, email address, and daytime telephone number of the professional engineer responsible for the plans; and***
- (~~e~~f) The name, mailing address, ***email address***, and daytime telephone number of:
 - (1) ~~T~~***the owner of the PBF; and the name(s), mailing address(es), and daytime telephone number(s) of***
 - (2) ~~T~~***the PBF designer; and***

(3) ***The PBF*** installer, if known ***at the time the application is submitted.***

Env-Wq 1103.04 PBF Application: Specifications. The specifications required by Env-Wq 1103.02(a)(3) shall be as follows:

- (a) The ~~capacity~~ ***operating volume and total volume*** of the pool or spa at the PBF, in gallons;
- (b) Materials of construction;
- (c) Measurements, in feet, of the following pool or spa dimensions:
 - (1) The depth at the shallow end;
 - (2) The maximum depth at the deep end;
 - (3) The depth at the wall of the deep end or 12 inches out from that wall, whichever is deeper;
 - (4) The depth at the break in depth between the shallow and deep portions of a swimming pool;
 - ~~(5) The depth measured 22 feet from the deep end wall;~~
 - ~~(6)~~ (5) The distance from the deep end wall to the break in depth between the shallow and deep portions;
 - ~~(7)~~ (6) The slope of:
 - a. ~~The~~ the bottom of the shallow end;
 - b. ***The transition between the shallow and deep end; and***
 - c. ***The bottom of the deep end;***
 - ~~(8)~~ (7) The distance from the edge of ~~any~~ ***each*** diving board~~(s)~~ ***or slide*** to the side walls; and
 - ~~(9)~~ (8) The perimeter of the pool or spa;
- (d) The number and location of water inlets;
- (e) The number and location of suction outlets;
- (f) The surface area of the pool or spa ~~at the PBF~~, in square feet;
- (g) Whether skimmers or a gutter system will be used, and:
 - (1) If skimmers will be used, the number and location of skimmers; and
 - (2) If a gutter system will be used, the design specifications for the system;
- (h) Information on the disinfection system that will be used, including:
 - (1) The type of disinfection system;
 - (2) The name of the manufacturer of the disinfection unit and manufacturer's specifications on the disinfection unit;
 - (3) The capacity of the disinfection unit, in milligrams per liter; and
 - (4) The model of the disinfection unit;
- (i) Information on the circulation pump, including:
 - (1) The model of the pump;

- (2) The pump performance curve showing the gallons per minute versus the head loss of the pump;
- (3) The pump circulation rate, in gallons per minute; and
- (4) Documentation from the manufacturer showing that the maximum flow rate of the pump allowing for total dynamic head does not exceed the rating of the main drain cover/grate;
- (j) The turnover time, in hours;
- (k) Information on the filter system, including:
 - (1) The type of filter;
 - (2) The name of the manufacturer of the filter and manufacturer's specifications on the filter;
 - (3) The model of the filter;
 - (4) The total filter area, in square feet;
 - (5) The filtration rate, in gallons per minute;
 - (6) The filter flow meter range, in gallons per minute;
 - (7) The name of the manufacturer of the filter flow meter;
 - (8) The number and location of hair strainers;
 - (9) The availability of filter operating instructions; and
 - (10) The location of the disposal site for backwash, if the filter is back washed, together with documentation demonstrating that the backwash is discharged to a public sewer or disposed of in a location or system approved by the department pursuant to RSA 485:3, X, RSA 485-A:29-44, RSA 485-A:13, I(a), or Env-Wq 402;
- (l) The anticipated bather load;
- (m) Identification of all suction outlets and grates as follows:
 - (1) Location;
 - (2) Rating, stated in gallons per minute;
 - (3) Calculated velocity, stated in feet per second, of water passing through each suction outlet and grate;
- (n) The diameter of all suction outlet piping;
- (o) If a safety vacuum release system (SVRS) is part of the design, information about the SVRS including:
 - (1) The type of SVRS device;
 - (2) The name of the manufacturer;
 - (3) The device specifications; and
 - (4) A plumbing schematic;
- (p) Calculation of total dynamic head loss; and
- (q) Documentation that all components meet the requirements of Env-Wq 110508.22(a)(1).

Env-Wq 1103.05 PBF Application: Other Required Information. The information required by Env-Wq 1103.02(a)(4) shall be as follows:

- (a) Information on the water source for the PBF, including:
 - (1) The source of water, and whether it is a public water supply, a private groundwater supply, or surface water;
 - (2) If the source water is a public water supply, the name and location of the water supply; and
 - (3) The type of source water piping;
- (b) Information on the availability of a bathhouse with toilet and shower facilities as specified in Env-Wq 110508.04 and Env-Wq 110508.01, respectively; ~~and~~
- (c) Information on the security fencing as specified in Env-Wq 110508.07; *and*
- (d) ***Information on the air-handling system as specified in Env-Wq 1108.21.***

Env-Wq 1103.06 PBF Application: Required Plans. The plans required by Env-Wq 1103.02(a)(2) shall:

- (a) Be prepared or reviewed by ~~an~~ ***professional*** engineer licensed in the state of New Hampshire pursuant to RSA 310-A ***to confirm compliance with the design requirements of Env-Wq 1100;***
- (b) Be stamped by the engineer who prepared or reviewed them, ***which stamp shall serve to certify that the pool shown on the plans complies with the design requirements of Env-Wq 1100;*** and
- (c) Show the location of all buildings, the bathing area, and all specifications and other information identified in Env-Wq 1103.03 through Env-Wq 1103.05.

Env-Wq 1103.07 Application for Approval of Designated Beach or Flow-through Bathing Place. The information required by Env-Wq 1103.02(b)(1) for approval of a designated beach or flow-through bathing place shall be as follows:

- (a) The name of the waterbody where the beach or flow-through bathing place will be located;
- (b) The street address and latitude/longitude of the proposed beach or flow-through bathing place;
- (c) The municipality, ~~state, and zip code~~ where the beach or flow-through bathing place will be located; *and*
- (d) The name, mailing address, and daytime telephone number of:
 - (1) ~~The~~ ***the owner of the beach or flow-through bathing place; and***
 - (~~e~~2) ~~The name(s), mailing address(es), and daytime telephone number(s) of the contractor, if known~~ ***at the time the application is filed.***

Env-Wq 1103.08 Specifications and Dimensions for Designated Beaches or Flow-through Bathing Places. The specifications required by Env-Wq 1103.02(b)(2) shall be as follows:

- (a) Measurements of:
 - (1) Shore frontage of beach or access to flow-through bathing place, in feet;
 - (2) Width of beach or access to flow-through bathing place, in feet; and
 - (3) The surface area of the beach or access to flow-through bathing place, in square feet;

- (b) The maximum water depth, in feet, at the edge of the swim~~ming~~***ming*** area or at the float line;
- (c) The surface area of the swim~~ming~~***ming*** area, in square feet;
- (d) The maximum expected bather load; and
- (e) Information on how construction of the beach or access to flow-through bathing place will comply with RSA 482-A, Dredge and Fill in Wetlands, and RSA 483-B, the ~~Comprehensive-Shoreland~~ ***Water Qualify*** Protection Act.

Env-Wq 1103.09 Other Required Information for Designated Beach or Flow-through Bathing Place Application. The information required by Env-Wq 1103.02(b)(3) shall be as follows:

- (a) The location of the nearest toilet facilities per Env-Wq 110~~508~~***08***.04, if any;
- (b) Information on the water quality for the swim~~ming~~***ming*** area, including a copy of a recent bacterial analysis and the location of any water inlets, point discharges, and non-point sources of pollution; and
- (c) Information on the height, location, and material of the security fencing, if any.

Env-Wq 1103.10 Plans Required for Designated Beach or Flow-through Bathing Place Application. The plans required by Env-Wq 1103.02(b)(2) shall be as follows:

- (a) A simple layout of the buildings, beach area, toilets, if any, and location of the potable water supply, if any; and
- (b) A plan drawn to scale showing the swimming area and ~~depth~~-dimensions ***including depth***.

Env-Wq 1103.11 Review of Applications.

- (a) Upon receiving a complete application package as specified in Env-Wq 1103.02, the department shall review the application.
- (b) The department shall approve the proposed public bathing place if the department determines that the proposed public bathing place has been designed so as to comply with the applicable design standards of this chapter.
- (c) The department shall inform the applicant of its decision in writing. If the application is denied, the decision shall state the reason(s) for the denial.

Env-Wq 1103.12 Pre-operational Inspection Required for Public Bathing Facilities.

- (a) The owner of a public bathing facility (PBF) shall not open the PBF for public use prior to the PBF being inspected by the department to determine compliance with this chapter if it is:
 - (1) A newly-constructed PBF; or
 - (2) An existing PBF that has been closed for 12 months or longer.
- (b) The PBF owner shall contact the department to schedule the inspection required by (a), above.

Env-Wq 1103.13 Transfer of PBF Ownership: Responsibilities of Prior Owner.

(a) If ownership of a PBF is transferred, the owner of the PBF prior to the transfer (prior owner) shall submit the notification required by (b), below, in writing to the department within 10 working days prior to the anticipated date of transfer.

- (b) *The notice required by (a), above, shall include the following information:*
- (1) *The full legal name and mailing address of the prior owner;*
 - (2) *The name, title, daytime telephone number, and email address, if any, of an individual who has been authorized by the prior owner to file the notice and otherwise communicate with the department regarding the notice and the PBF;*
 - (3) *The number and date of the approval issued by the department for the plans and specifications for the PBF, if the PBF was approved pursuant to RSA 485-A:26 or predecessor authority;*
 - (4) *If plans and specifications for the PBF were not approved pursuant to RSA 485-A:26 or predecessor authority, the month and year the PBF was constructed;*
 - (5) *The location of the PBF, including the name of the establishment at which the PBF is located and the street address, including municipality;*
 - (6) *The name and mailing address of the person to whom ownership is being transferred; and*
 - (7) *The anticipated date of transfer.*
- (c) *The notice required by (a), above, shall be signed and dated as follows:*
- (1) *If the prior owner is an individual, the individual shall sign and date the notice; and*
 - (2) *If the prior owner is other than an individual, the owner shall authorize an official of the owner to sign the notice, and the authorized individual shall sign and date the notice and print or type his or her name and title.*
- (d) *The signature provided pursuant to (c), above, shall constitute certification that:*
- (1) *The information provided in the notice is true, complete, and not misleading to the knowledge and belief of the signer; and*
 - (2) *The signer understands that he or she is subject to the penalties specified in New Hampshire law for falsification in official matters.*

Env-Wq 1103.14 Transfer of PBF Ownership: Responsibilities of New Owner.

(a) *If ownership of a PBF is transferred, the owner of the PBF subsequent to the transfer (new owner) shall submit the information required by (b), below, in writing to the department within 10 working days after the transfer.*

- (b) *The notice required by (a), above, shall include the following information:*
- (1) *The full legal name and mailing address of the new owner;*
 - (2) *The name, title, daytime telephone number, and email address, if any, of an individual who has been authorized by the new owner to file the notice and otherwise communicate with the department regarding the notice and the PBF;*
 - (3) *The location of the PBF, including the name of the establishment at which the PBF is located and the street address, including municipality;*
 - (4) *The business identification number assigned to the new owner by the New Hampshire secretary of state; and*
 - (5) *The date ownership was transferred to the new owner.*

- (c) ***The notice required by (a), above, shall be signed and dated as follows:***
 - (1) ***If the new owner is an individual, the individual shall sign and date the notice; and***
 - (2) ***If the new owner is other than an individual, the owner shall authorize an official of the owner to sign the notice, and the authorized individual shall sign and date the notice and print or type his or her name and title.***
- (d) ***The signature provided pursuant to (c), above, shall constitute certification that:***
 - (1) ***The information provided in the notice is true, complete, and not misleading to the knowledge and belief of the signer;***
 - (2) ***The signer understands that he or she is subject to the penalties specified in New Hampshire law for falsification in official matters; and***
 - (3) ***The new owner:***
 - a. Has obtained and reviewed a copy of Env-Wq 1100; and***
 - b. Agrees to comply with all applicable requirements.***

Env-Wq 1103.4315 Suspension or Revocation of Approvals.

- (a) Upon finding that information submitted as part of an application for which an approval has been issued is incorrect, misleading, incomplete, or otherwise deficient, the department shall proceed in accordance with this section.
- (b) The department shall initiate an action to suspend or revoke the approval pursuant to RSA 541-A:30, II, RSA 541-A:31, and the provisions of Env-C 200 applicable to adjudicative proceedings.
- (c) The notice issued to initiate the action shall inform the owner:
 - (1) That the department is proposing to suspend or revoke the approval;
 - (2) Of the grounds on which the department's proposed action is based; and
 - (3) Of the ~~date and time of~~ ***deadline for requesting*** a hearing at which the owner may show cause why the approval should not be suspended or revoked.
- (d) The department shall suspend the approval if the department determines, as a result of the proceeding initiated under (b), above, that:
 - (1) The deficient information was submitted inadvertently or negligently; and
 - (2) The approval would have been issued if correct, complete, and not misleading information had been submitted originally.
- (e) If the department suspends the approval, the decision issued pursuant to (h), below, shall:
 - (1) Specify a reasonable time in which the owner may correct the deficiencies ~~which~~ ***that*** formed the basis for the suspension; and
 - (2) Notify the owner that if the deficiencies are not corrected within the time specified, the approval will be ***deemed*** revoked ***without further action by the department.***
- (f) A decision to suspend an approval pending receipt of adequate and correct information shall not be considered a final decision from which an appeal may be taken.

(g) The department shall revoke the approval if the department determines, as a result of the proceeding initiated under (b), above, that:

- (1) The permit holder submitted deficient information with the intent to mislead or to avoid one or more requirements of the statute or rules; or
- (2) The approval would not have been issued if correct, complete, and not misleading information had been submitted originally.

(h) The department shall issue a written decision to the owner. If the approval is suspended or revoked, the decision shall specify the reason(s) for the decision.

Adopt Env-Wq 1104 through Env-Wq 1106 to read as follows:

PART Env-Wq 1104 REGISTRATION

Env-Wq 1104.01 PBF Registration and Notification of Closure Required.

(a) As specified in RSA 485-A:26, II(b), effective January 1, 2020 no person shall operate or maintain a PBF unless the facility is registered with the department.

(b) As provided in RSA 485-A:26, II(d):

- (1) The registration shall be valid for the life of the facility; and***
- (2) The owner of a PBF that has closed shall notify the department of the closure in writing within 30 days of the closure.***

(c) After closure, the registration shall no longer be valid.

(d) If the PBF owner wishes to re-open a PBF that has closed, the owner shall submit a new registration prior to re-opening the PBF.

Env-Wq 1104.02 Process for Public Bathing Facility Registration.

(a) To register a PBF, the owner or the owner's duly-authorized agent shall submit to the department a completed registration that:

- (1) Contains the information specified in Env-Wq 1104.03;***
- (2) Is complete, correct, and not misleading; and***
- (3) Is signed as specified in (c) and (d), below.***

(b) The registrant shall submit the registration to the department via an electronic portal, if available, or at the following address:

***DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: PBF Program Manager***

(c) The registrant and the owner, if other than the registrant, shall sign and date the registration.

(d) Each signature shall constitute certification that:

- (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and***

(2) *The signer understands that:*

- a. The submission of false, incomplete, or misleading information is grounds for denying the registration or suspending any registration that is issued based on the information; and*
- b. The signer is subject to the penalties established in New Hampshire law for falsification in official matters, currently in RSA 641.*

Env-Wq 1104.03 Information Required for PBF Registration. The registration required by RSA 485-A:26, II(b) shall include the following the information:

- (a) The site and contact information identified in Env-Wq 1104.04;*
- (b) The specifications identified in Env-Wq 1104.05; and*
- (c) The additional information identified in Env-Wq 1104.06.*

Env-Wq 1104.04 PBF Registration: Site and Contact Information. The site and contact information required by Env-Wq 1104.03(a) shall be as follows:

- (a) The name, street address, and municipality of the establishment at which the PBF is located;*
- (b) The name, mailing address, email address, and daytime telephone number of the owner of the establishment and the owner of the PBF, if not the same;*
- (c) The name, email address, and daytime telephone number of each pool operator at the establishment, if known at the time of registration; and*
- (d) Identification of each PBF at the establishment, and for each the following:*
 - (1) The type of PBF;*
 - (2) Whether the PBF is indoor, outdoor, or both; and*
 - (3) Whether use of the PBF is seasonal or year-round.*

Env-Wq 1104.05 PBF Registration: Specifications. The information required by Env-Wq 1104.03(b) shall be as follows for each PBF at the establishment:

- (a) The operating volume and the total volume of the PBF, in gallons;*
- (b) The materials of construction for the PBF;*
- (c) The following dimensions, measured in feet:*
 - (1) Depth at the shallow end;*
 - (2) Maximum depth; and*
 - (3) Length of perimeter;*
- (d) Surface area, in square feet;*
- (e) Maximum anticipated bather load;*
- (f) The number of water inlets;*
- (g) The following information on suction outlets:*
 - (1) The number of suction outlets;*

- (2) *The location of each suction outlet and grate, such as on the pool floor or sidewall; and*
- (3) *The rating, in gallons per minute, of each outlet;*
- (h) *If skimmers are used, the number of skimmers;*
- (i) *If a gutter system is used, the design specifications for the system;*
- (j) *Information on the disinfection system, as follows:*
 - (1) *The type of disinfection system;*
 - (2) *The name of the manufacturer of the disinfection unit;*
 - (3) *The model of the disinfection unit; and*
 - (4) *The capacity of the disinfection unit, in milligrams per liter;*
- (k) *Information on the circulation system, as follows:*
 - (1) *The name of the manufacturer of the pump;*
 - (2) *The model of the pump;*
 - (3) *The pump circulation rate, in gallons per minute; and*
 - (4) *The turnover time, in hours or minutes;*
- (l) *Information on the filter system, as follows:*
 - (1) *The type of filter;*
 - (2) *The name of the manufacturer of the filter and the manufacturer's specifications for the filter;*
 - (3) *The model of the filter;*
 - (4) *The total filter area, in square feet;*
 - (5) *The filter flow meter range, in gallons per minute;*
 - (6) *The name of the manufacturer of the filter flow meter;*
 - (7) *The number of hair strainers; and*
 - (8) *The location of the disposal site for backwash, if the filter is backwashed; and*
- (m) *If the pool has a safety vacuum release system (SVRS), the following information:*
 - (1) *The type of SVRS device; and*
 - (2) *The name of the manufacturer of the SVRS device.*

Env-Wq 1104.06 PBF Registration: Additional Information. *The additional information required by Env-Wq 1104.03(c) shall be as follows:*

- (a) *Whether the water used in the PBF is from a public water system, private well, or surface water; and*
- (b) *If the source is a public water system, the name and location of the public water supply.*

Env-Wq 1104.04 Acceptance of Registrations.

- (a) *Upon receipt of a registration, the department shall determine whether the registration contains the information required by Env-Wq 1104.03 and is signed as required by Env-Wq 1104.02(c).*

(b) If the registration contains the information required by Env-Wq 1104.03 and is signed as required by Env-Wq 1104.02(c), the department shall accept the registration.

(c) If the registration does not contain the information required by Env-Wq 1104.03 or is not signed as required by Env-Wq 1104.02(c), or both, the department shall return the registration to the registrant with a notice of what is needed to complete the registration.

(d) The owner of a PBF for which a registration was returned pursuant to (c), above, shall not be in compliance with RSA 485-A:26, II(b) unless and until a completed, signed registration is filed with the department.

Env-Wq 1104.05 Suspension of Registrations.

(a) Upon finding that information submitted to register a PBF is incorrect or misleading in any material aspect, the department shall proceed in accordance with this section.

(b) The department shall notify the owner in writing:

(1) Of the specific information that appears to be incorrect or misleading; and

(2) That the owner has 10 days from the date of the notice to submit a new registration as specified in Env-Wq 1004.02 that is correct and not misleading.

(c) If the owner does not submit a new registration that complies with Env-Wq 1104.02(a) within 10 days of the date of the notice sent pursuant to (b), above, the department shall initiate an action to suspend the registration pursuant to RSA 541-A:30, II, RSA 541-A:31, and the provisions of Env-C 200 applicable to adjudicative proceedings.

(d) The notice issued to initiate the action shall inform the owner:

(1) That the department is proposing to suspend the registration;

(2) Of the grounds on which the department's proposed action is based; and

(3) Of the deadline for submitting:

a. A registration that complies with Env-Wq 1104.02(a); or

b. A request for a hearing at which the owner may show cause why the registration is correct and not misleading.

(e) If the owner requests a hearing instead of submitting a registration that complies with Env-Wq 1104.02(a), the department shall suspend the registration if the department determines, as a result of the proceeding initiated under (c), above, that the information submitted was incorrect or misleading in any material aspect.

(f) If the department suspends the registration, the decision issued pursuant to (h), below, shall:

(1) Specify a reasonable time in which the owner may correct the deficiencies that formed the basis for the suspension; and

(2) Notify the owner that if the deficiencies are not corrected within the time specified, the registration will be revoked.

(g) A decision to suspend a registration pending receipt of correct, complete, and not misleading information shall not be a final decision from which an appeal may be taken.

(h) The department shall issue a written decision to the owner. If the registration is suspended, the

decision shall:

- (1) *Specify the reason(s) for the decision; and*
 - (2) *Specify the deadline for submitting a registration that complies with Env-Wq 1104.02(a); and*
 - (3) *Explain that if a registration that complies with Env-Wq 1104.02(a) is not submitted by the deadline, the registration shall be deemed revoked without further action by the department.*
- (i) *The owner of a PBF for which a registration was suspended or revoked pursuant to this section shall not be in compliance with RSA 485-A:26, II(b) unless and until a registration that complies with Env-Wq 1104.02(a) is filed with the department.*

PART Env-Wq 1105 PBF SELF-CERTIFICATION OF COMPLIANCE

Env-Wq 1105.01 Self-Certification Declaration for PBFs Required. *As specified in RSA 485-A:26-a:*

- (a) *The owner of a PBF that is open for 9 months or more in a calendar year shall submit a self-certification declaration to the department within 60 days of January 1, 2021 and annually prior to March 2nd thereafter, stating that each PBF at the establishment is in compliance with all applicable requirements of RSA 485-A:26 and Env-Wq 1100; and*
- (b) *The owner of a PBF that is open fewer than 9 months in a calendar year shall submit to the department, prior to opening in 2021 and annually prior to opening thereafter, a self-certification declaration stating that each pool at the facility is in compliance with all applicable requirements of RSA 485-A:26 and Env-Wq 1100.*

Env-Wq 1105.02 Self-Certification Declaration.

- (a) *Each owner required to submit a self-certification declaration for a PBF shall submit to the department:*
- (1) *A self-certification declaration that contains:*
 - a. *The site and contact information specified in Env-Wq 1105.03;*
 - b. *The information and declarations as to specifications identified in Env-Wq 1105.04 for each PBF covered by the self-certification;*
 - c. *The information and declarations as to safety identified in Env-Wq 1105.05 for each PBF covered by the self-certification; and*
 - d. *The declarations as to water quality and testing specified in Env-Wq 1105.06 for each PBF covered by the self-certification;*
 - (2) *The signatures and certifications required by (c) and (d), below;*
 - (3) *The fee required by RSA 485-A:26-a, IV; and*
 - (4) *Effective January 1, 2022, a statement that each PBF is operated under the supervision of a certified pool operator.*
- (b) *The certifier shall submit the materials requested by (a), above, to the department through an electronic portal or, if an electronic portal is not available, at the following address:*

**DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095**

Attn: PBF Program Manager

(c) ***The owner and the individual completing the declaration, if other than the owner, shall sign and date the self-certification declaration form.***

(d) ***Each signature shall constitute certification that:***

(1) ***The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and***

(2) ***The signer understands that:***

a. ***The submission of false, incomplete, or misleading information is grounds for refusing to accept the declaration; and***

b. ***The signer is subject to the penalties established in New Hampshire law for falsification in official matters.***

Env-Wq 1105.03 Self-Certification Declaration: Site and Contact Information. The site and contact information required by Env-Wq 1105.02(a)(1)a. shall be as follows:

(a) ***The name of the establishment at which the PBF is located;***

(b) ***The street address and municipality where the PBF is located;***

(c) ***A list of each PBF at the establishment for which the declaration is being submitted, and for each:***

(1) ***The type of PBF;***

(2) ***Whether the PBF is an indoor or outdoor facility, or both; and***

(3) ***Whether the PBF is operated seasonally or year-round;***

(d) ***The name, mailing address, email address, and daytime telephone number of the owner of the PBF; and***

(f) ***Beginning with the self-certification filed in 2022 and annually thereafter, the name, mailing address, email address, daytime telephone number, training certificate provider and number, and training expiration date for each certified pool operator.***

Env-Wq 1105.04 Self-Certification Declaration: Specifications.

(a) ***The information and declarations required by Env-Wq 1105.02(a)(1)b. shall be as follows:***

(1) ***Information on the disinfection system that is used, including:***

a. ***The type of disinfection system; and***

b. ***The type of chemical feeder used;***

(2) ***Declarations that:***

a. ***The disinfection system is functioning properly or, if not, the date by which repairs or other actions will be taken to correct the problems; and***

b. ***No hand-feeding of disinfection chemicals is being done;***

(3) ***Information on each circulation pump, including:***

a. ***If the pump is as shown in the plans supporting the most recent design approval, the date of installation of the pump or, if the date is not known, the approximate age of the***

pump; or

b. If the pump is not as shown in the plans supporting the most recent design approval, the following:

1. The model of the pump;

2. The pump performance curve showing the gallons per minute versus the head loss of the pump;

3. The pump circulation rate, in gallons per minute; and

4. Documentation from the manufacturer showing that the maximum flow rate of the pump allowing for total dynamic head does not exceed the rating of the main drain cover/grate;

(4) A declaration that all pumps are functioning as intended or, if not, the date by which repairs or other actions will be taken to correct the problem;

(5) The turnover time in hours and minutes;

(6) Information on the filter system, including:

a. The type of filter; and

b. The filtration rate, in gallons per minute;

(7) A declaration that the filter system is functioning as intended or, if not, the date by which repairs or other actions will be taken to correct the problem;

(8) If a chemical controller is part of the design, information about the chemical controller, including:

a. What pH the controller is set to maintain; and

b. The concentration of chlorine, in parts per million;

(9) A declaration that the filter system is functioning as intended or, if not, the date by which repairs or other actions will be taken to correct the problem;

(10) If a safety vacuum release system (SVRS) is part of the design, the following:

a. Whether the SVRS is installed according to the manufacturer's specifications;

b. The most recent date the SVRS was tested; and

c. A declaration that the SVRS is functioning as intended or, if not, the date by which repairs or other actions will be taken to correct the problem;

(11) A declaration that all pipes are correctly color coded based on their purpose and that there are flow arrows on all visible pipes; and

(12) Information on VGB outlet covers, including:

a. If each main drain has a cover;

b. If each skimmer has a weir flap; and

c. If all weir flaps are trimmed and properly functioning.

(b) If any of the equipment identified in (a), above, has changed from the previous self-certification, the owner shall provide the following information for each new item:

(1) The date of the installation;

- (2) *The model number for the equipment; and*
- (3) *Whether the equipment was installed according the manufacturer's instructions.*

Env-Wq 1105.05 Self-Certification Declaration: Safety.

(a) The declarations required by Env-Wq 1105.02(a)(1)c. shall be as follows:

- (1) *Safety rules for patrons are posted conspicuously in each pool area and in each spa area;*
- (2) *A telephone or radio capable of reaching emergency services is within 200 feet of pool or spa, or signs are posted that identify the location of the emergency phone if phone is not in pool area;*
- (3) *A functioning clock is visible from each spa;*
- (4) *The following items are available at the PBF:*
 - a. A 12-foot-long pole with a body hook affixed;*
 - b. A type IV throwable rescue flotation device; and*
 - c. A first aid kit;*
- (5) *The showers are functioning and each has a working mixing valve;*
- (6) *If towels are provided, they are washed and dried after each use and stored in a sanitary location;*
- (7) *If dressing rooms are provided, the rooms:*
 - a. Are kept free of visible dirt and debris; and*
 - b. Have trash receptacles;*
- (8) *Trash receptacles are located in toilet areas and bathing areas;*
- (9) *Gates to the pool area:*
 - a. Are at least 4 feet high, self-closing, and self-latching;*
 - b. Open outward; and*
 - c. Can be locked;*

Env-Wq 1105.06 Self-Certification Declaration: Water Quality and Testing. The declarations required by Env-Wq 1105.02(a)(1)d. shall be as follows:

- (a) No issues or problems have been experienced with water chemistry, clarity, foaming, or algae, or, if problems have arisen, the proper methods of bringing the PBF back into compliance were used;***
- (b) All water quality testing standards required by Env-Wq 1104.01 are being met; and***
- (c) The PBF is maintaining the bacteriological and chemical/physical standards set forth in Env-Wq 1105.12 and Env-Wq 1105.13, respectively.***

PART Env-Wq 1106 CERTIFIED POOL OPERATOR TRAINING REQUIREMENT

Env-Wq 1106.01 Certified Pool Operator (CPO) Responsibilities

(a) Pursuant to RSA 485-A:27-a, effective January 1, 2022, each PBF shall have a certified pool operator (CPO).

(b) A CPO may be the owner or duly-authorized designee, an employee of the establishment where the PBF is located, or a contracted vendor.

(d) The CPO shall be responsible for training on-site personnel in the basic operation of the PBF, including but not limited to water testing and record keeping, water clarity, handling sanitizers, pool rules, hours of operation, and pool closure procedures.

(e) The CPO shall:

(1) Personally visit the PBF not less frequently than once per week to ensure the pool is being operated in a safe and sanitary manner; and

(2) Be available by telephone to on-site personnel whenever not personally present.

Env-Wq 1106.02 CPO Training Required.

(a) As provided in RSA 485-A:27-a, successful completion of the certified pool and spa operator certification program offered by the Association of Pool and Spa Professionals or National Swimming Pool Foundation shall qualify an individual as a CPO.

(b) Successful completion of the certified pool and spa operator certification program offered by the following also shall qualify an individual as a CPO:

(1) Pool & Hot Tub Alliance; and

(2) Any training program approved by the department pursuant to Env-Wq 1106.04.

Env-Wq 1106.03 Application for Certification Program Approval. An organization seeking approval of a certified pool and spa operator certification program shall apply by submitting the following online or in writing to the department:

(a) A description of the organization, including:

(1) The organization's name, mailing address, email address, and daytime telephone number;

(2) The legal form of the organization, such as a corporation, limited liability corporation, partnership, etc.; and

(3) If the organization is required by RSA 292, RSA 293, RSA 293-A, or other applicable provisions of New Hampshire law to register with the New Hampshire secretary of state, proof of being registered and in good standing to do business in New Hampshire;

(b) The name, mailing address, email address, and daytime telephone number of an individual at the organization who can be contacted regarding the application;

(c) A list of courses to be offered; and

(d) A complete description of each course for which the organization is seeking approval, including:

(1) The name of the course;

(2) The name and qualifications of each individual who will present the course;

(3) The length of time attendees of the course will be under direct supervision of the instructor;

(4) A syllabus for the course and the written materials to be used in the course;

(5) ***A demonstration of how the proposed course complies with Section 6.2 of the Model Aquatic Health Code, 3rd edition, 2018, available as noted in Appendix B; and***

(6) ***The type of test to be offered at the end of the course to evaluate whether attendees have obtained the knowledge required by Env-Wq 1100.***

Env-Wq 1106.04 Approval of Training Program.

(a) ***The department shall review information submitted pursuant to Env-Wq 1106.03 within 30 days of receipt.***

(b) ***The department shall approve the proposed training program if the information submitted demonstrates that the proposed training program meets the standards of Section 6.2 of the Model Aquatic Health Code, 3rd edition, 2018, available as noted in Appendix B. For purposes of this section, training programs offered by the Association of Pool and Spa Professionals, National Swimming Pool Foundation, or Pool & Hot Tub Alliance shall be deemed to meet this requirement.***

(c) ***The department shall notify the applicant in writing of its decision. If the application is denied, the decision shall specify the reason(s) for the denial.***

Readopt with amendment Env-Wq 1104 and Env-Wq 1105, , eff. 5-1-14 (doc. #10577), and renumber as Env-Wq 1107 and Env-Wq 1108, to read as follows:

PART Env-Wq 110407 TESTING, SUPERVISION, AND SAFETY

Env-Wq 110407.01 PBF Testing and Recordkeeping Requirements.

(a) The ***pool*** operator ~~of a PBF~~ shall conduct tests for disinfectant residual and pH prior to opening the PBF to the public and every 4 hours during operation.

(b) If an oxidation-reduction potential (ORP) controller is used, it shall not be relied upon as a method for measuring the concentration of sanitizer in the water.

(c) The ***pool*** operator ~~of a PBF~~ shall use a water quality testing kit with unexpired reagents, such as diethylphenylene diamine (DPD) and phenol red, capable of testing for ***pH and*** free and total chlorine or ***total*** bromine ~~and pH~~. The method used in determining the free available chlorine shall be such that the combined chlorine or other oxidizers that might be present in the pool do not affect the determination.

(d) The ***pool*** operator ~~of a PBF~~ shall test a heated pool or spa for temperature prior to use and every 4 hours during operation.

(e) The ***pool*** operator ~~of a PBF~~ shall conduct each test:

(1) At each end of a ~~pool or spa at the~~ PBF that is 10,000 gallons or greater; and

(2) At one location in a ~~pool or spa at the~~ PBF that is less than 10,000 gallons.

(f) The ***pool*** operator ~~of a PBF~~ shall:

(1) Maintain dated daily logs for ~~the~~ ***each*** PBF ***at the establishment*** for a rolling 12-month period; and

(2) Make the records available to the department and patrons of the PBF upon request.

(g) The ***pool*** operator ~~of a PBF~~ shall record the following on the daily log:

(1) The results of the inspection of the cover/grate required by Env-Wq 110407.07(a);

(2) The results of all tests conducted pursuant to (a) through (d), above;

- (3) Each time that the filter is backwashed or the cartridge filter is replaced;
- (4) Each time that a spa is emptied and cleaned;
- (5) Each operational problem, together with a description of all actions taken to address the problem; and
- (6) The time of each fecal or vomit accident, together with a description of all actions taken to address the accident.

Env-Wq 110407.02 PBF Supervision.

- (a) The owner shall allow public use of ~~the pool or spa at a PBF~~ only when ~~a~~ ***pool*** operator is available to respond to equipment malfunctions and other emergencies within 20 minutes of being notified by patrons or the owner of the malfunction or emergency.
- (b) The ***pool*** operator designated by the owner pursuant to (a), above, shall:
 - (1) Maintain the quality of the water at the facility; ~~and~~
 - (2) Have access to and be knowledgeable of the PBF circulation and disinfection systems; ~~and~~
 - (3) ***As of January 1, 2022, either:***
 - a. Be a CPO; or***
 - b. Be trained and supervised by a CPO.***
- (c) If a lifeguard or other individual to enforce safety standards will not be present at a PBF, the owner shall post a sign at all access points notifying patrons of the absence of a lifeguard.

Env-Wq 110407.03 Testing and Supervision at Other Public Bathing Places.

- (a) The ***pool*** operator of a common interest bathing facility that uses automated chemical controllers as specified in Env-Wq 110609.05(e) for both pH and disinfectant shall test for ***temperature***, disinfectant residual, and pH at least once a day.
- (b) ***The pool operator of a common interest bathing facility that does not use automated chemical controllers shall test for temperature, pH, and disinfectant residual prior to opening the PBF and every 4 hours during operation.***
- (~~bc~~) If a common interest bathing place is not monitored by a lifeguard or ***pool*** operator, the owner(s) shall post a sign at all access points notifying patrons of the absence of a lifeguard or ***pool*** operator, as applicable.
- (~~ed~~) If a designated beach or flow-through bathing place is not monitored by a lifeguard ~~or operator~~, the owner post a sign at all access points notifying patrons of the absence of a lifeguard ~~or operator~~, as applicable.

Env-Wq 110407.04 PBF Safety.

- (a) The owner of ~~an PBF establishment~~ that has a ***swimming*** pool shall:
 - (1) Develop and adopt safety rules for patrons of the pool; and
 - (2) Post conspicuously-displayed signs informing patrons of the safety rules.
- (b) The rules and signs required by (a), above, shall include the following:
 - (1) Patrons with any communicable disease shall not enter the pool;

- (2) Patrons shall not discharge any bodily fluids into the pool;
 - (3) Patrons shall not bring or throw into the pool any object that may in any way carry contamination or otherwise endanger the safety of bathers;
 - (4) Patrons shall not spit in or in any other way contaminate the water, floors, walkways, aisles, or dressing rooms associated with the pool;
 - (5) Bathers shall take a cleansing shower before entering the pool;
 - (6) Patrons shall not run or engage in boisterous rough play in the pool or on the deck or walkways around the pool or in the bathhouse associated with the pool;
 - (7) Patrons shall not bring food or drink into the pool or within 4 feet of its edge;
 - (8) Patrons shall not have glass containers in the pool or on the deck or in the bathhouse associated with the pool; and
 - (9) Any additional rules developed by the ~~PBF's~~ ***establishment's*** management.
- (c) The owner of ~~an PBF-establishment~~ shall ensure that a telephone or radio capable of reaching emergency services is located within 200 feet of any pool or spa at the ~~PBF-establishment~~.
- (d) The signs required by (a), above, and (e), below, shall provide the location of the telephone or radio required by (c), above.
- (e) The owner of ~~an PBF-establishment~~ that has a spa shall:
- (1) Develop and adopt safety rules for patrons of the spa; and
 - (2) Post conspicuously-displayed signs informing patrons of the safety rules.
- (f) The rules and signs required by (e), above, shall include the following:
- (1) Patrons shall not use a public spa alone unless permitted by the ***pool*** operator or owner;
 - (2) Patrons shall not use a public spa if under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics, or tranquilizers;
 - (3) Patrons who are elderly, pregnant, or suffering from heart disease, diabetes, or high or low blood pressure shall not use a public spa without obtaining permission from their physician;
 - (4) Unsupervised children under 14 years of age shall not use a public spa;
 - (5) Bathers shall not use body oils or lotions; ***and***
 - ~~(6) Bathers shall not use a public spa for longer than a 10 minute immersion without a break period for cooling off; and~~
 - ~~(7)~~ Any additional rules developed by the ~~spa's~~ ***establishment's*** management.
- (g) A functioning clock shall be visible from all public spas.

Env-Wq 110407.05 Safety at Other Public Bathing Places.

- (a) If the owner of a common interest bathing place, designated beach, or flow-through bathing place has developed safety rules, the owner shall post conspicuously-displayed notices informing patrons of the safety rules developed by the owner.
- (b) The owner of a common interest bathing place, designated beach, or flow-through bathing place

shall ensure that:

- (1) A telephone or radio capable of reaching emergency services is located within 200 feet of the water; or
- (2) If a telephone or radio capable of reaching emergency services is not located within 200 feet of the water, then a sign is posted informing patrons of the location of the nearest public telephone or radio capable of reaching emergency services.

Env-Wq 110407.06 Emergency Rescue Equipment for All Public Bathing Places.

(a) Subject to (b), below, the owner of a PBF shall provide the following emergency rescue equipment at the PBF:

- (1) A light, strong pole not less than 12 feet long to which a body hook has been affixed;
- (2) A Type IV throwable rescue flotation device approved by the United States Coast Guard and capable of supporting an adult, with an attached throwing/retrieval line which shall be a rope at least one-quarter inch in diameter and one-half the maximum width of the pool or 50 feet in length, whichever is less; and
- (3) A first aid kit stocked for treatment of common pool-related injuries, which at a minimum shall contain the following:
 - a. Impermeable, unused, and disposable latex-free medical gloves;
 - b. Materials to control bleeding and to clean or cover minor cuts and abrasions; and
 - c. A personal resuscitation mask or shield for performing rescue breathing.

(b) If the owner of a PBF that does not have a first aid kit meeting (a)(3), above, is a political subdivision and its local legislative body has not voted or does not vote to approve funding for the first aid kit required by (a)(3), above, and the first aid kit is not fully funded by the state, the owner shall not be required to provide the first aid kit.

(c) The owner of a common interest bathing place or flow-through bathing place shall:

- (1) Provide the emergency equipment identified in (a), above; or
- (2) Prominently post at least one sign that clearly states that no emergency rescue equipment is available.

(d) The owner of a designated beach shall:

- (1) Provide emergency rescue equipment such as a rescue board, rescue tube or ring, or other emergency rescue equipment deemed appropriate by the owner; or
- (2) Prominently post at least one sign that clearly states that no emergency rescue equipment is available.

Env-Wq 110407.07 Suction Outlet Cover/Grate.

(a) The ***pool*** operator ~~of a PBF~~ shall inspect each cover/grate daily to insure the cover/grate has not been damaged and is securely attached.

(b) The owner of a PBF shall not allow bathers to use the PBF if any cover/grate is missing, broken, or secured in such a way that it can be removed without the use of tools.

PART Env-Wq 110508 DESIGN FEATURES, WATER QUALITY STANDARDS, AND OPERATION REQUIREMENTS

Env-Wq 110508.01 Showers.

- (a) The owner of a PBF shall provide shower facilities to the patrons of the PBF, as specified below:
 - (1) One shower for every 40 swimming pool bathers shall be provided;
 - (2) A minimum of one shower for each spa shall be provided; and
 - (3) Showers shall be of such design that a mixture of hot and cold water that will not scald patrons can be obtained through a mixing valve.
- (b) ~~Subject to (c), below, a~~Any shower located on a deck adjacent to a pool or spa shall drain to a public sewer system or a state-approved sewage disposal system.
- ~~(c) If the owner of a PBF is a political subdivision and its local legislative body has not voted or does not vote to approve funding to connect a shower located on a deck adjacent to a pool or spa to a public sewer system or a state-approved sewage disposal system, and such connection is not fully funded by the state, the owner shall not be required to so connect the drain.~~

Env-Wq 110508.02 Towels. If towels are provided for public use at a PBF, the owner shall ensure that all such towels are maintained in a sanitary manner by:

- (a) Washing and disinfecting or machine drying the towels after each use; and
- (b) Storing the towels in a sanitary location.

Env-Wq 110508.03 Dressing Rooms. The owner of a PBF shall ensure that any dressing rooms provided for use by patrons is kept free of visible dirt and debris.

Env-Wq 110508.04 Toilets for PBFs. The owner of a PBF shall provide toilet facilities as follows:

- (a) The toilet facilities shall be located within 200 feet of the ~~pool or spa at the~~ PBF for use immediately before entering the water;
- (b) Separate toilet facilities shall be provided for each gender;
- (c) For a pool or spa installed prior to ~~the May 1, 2014 effective date of this chapter,~~ one toilet and one urinal for every 60 males and one toilet for every 40 females shall be provided; and
- (d) For a pool or spa installed after ~~the May 1, 2014 effective date of this chapter,~~ the minimum number of fixtures shall be based on the maximum bather load, as specified in the state plumbing code, which is the portion of the state building code as defined in RSA 155-A that pertains to plumbing.

Env-Wq 110508.05 Toilets for Other Public Bathing Places. If the owner of a common interest bathing place, designated beach, or flow-through bathing place provides toilets, the following shall apply:

- (a) Portable or chemical toilets shall be installed in such a way that they can not be tipped over; and
- (b) The toilets shall be within 200 feet of the water, provided however that if toilets cannot be installed within 200 feet of the water due to unique topography, the toilets shall be placed as close to the water as practicable.

Env-Wq 110508.06 Trash Receptacles.

- (a) The owner of a PBF shall provide enclosed trash receptacles in all dressing rooms, toilet areas, and bathing areas.
- (b) The owner of a designated beach wherein patrons are responsible for carrying out their own trash shall provide enclosed trash receptacles in all dressing rooms and toilet areas.

Env-Wq 110508.07 Food and Drink Prohibited in the Bathing Area. The owner of a PBF shall not allow food or drink in the pool or spa ~~at the PBF~~ or within 4 feet of the edge of the pool or spa.

Env-Wq 110508.08 Security Fencing, Deck Areas for PBFs.

- (a) The owner of a PBF shall provide security fencing as follows:
 - (1) All outdoor PBFs shall have a wall, fence, or other enclosure constructed around the entire facility;
 - (2) The entire wall, fence, or other enclosure, including doors and gates, shall be at least 4 feet above grade measured on the inside and outside;
 - (3) The wall, fence, or other enclosure shall be constructed so as to prevent passage through it; and
 - (4) Subject to (c), below, all gates shall:
 - a. Be self-closing and self-latching;
 - b. Open only outward from the enclosed area;
 - c. Be equipped with a latch located on the pool side of the gate and at least 3 inches below the top of the gate;
 - d. Have no opening greater than ½ inch within 18 inches of the latch; and
 - e. Accommodate a locking device.
- (b) The owner of a PBF shall provide a deck area between the water and the fence or enclosure in accordance with the following:
 - (1) The deck area shall be a minimum of 4 feet wide;
 - (2) The deck area shall slope away from the pool no less than 1/4 inch per foot and no more than 1/2 inch per foot, such that standing water shall be no deeper than 1/8 inch, 20 minutes after the cessation of the addition of water to the deck; and
 - (3) The surface of the deck shall be of a slip-resistant textured finish other than carpet or artificial turf.
- (c) If the owner of a PBF having one or more gates that do not comply with (a)(4)b.- e., above, is a political subdivision and its local legislative body has not voted or does not vote to approve funding to bring the gate(s) into compliance with (a)(4)b.- e., above, and compliance is not fully funded by the state, the owner shall not be required to comply with (a)(4)b.- e., above.

Env-Wq 110508.09 Security Fencing, Deck Areas for Other Public Bathing Places.

- (a) If the owner of a common interest bathing place, designated beach, or flow-through bathing place provides security fencing, the fencing shall comply with Env-Wq 110508.08(a), including (a)(4)b.- e.

(b) If the owner of a common interest bathing place, designated beach, or flow-through bathing place provides a deck area, the deck area shall comply with Env-Wq 110508.08(b).

Env-Wq 110508.10 Cross-Connection Control. The owner of a PBF shall ensure that:

- (a) Water service to the PBF is protected against backflow and back siphonage;
- (b) Water introduced to the ~~pool or spa at the~~ PBF, whether directly or through the circulation system, is supplied through an air gap of at least 6 inches; and
- (c) Vacuum breaker backflow preventers are installed prior to all hose bibs servicing the PBF.

Env-Wq 110508.11 Deck Cleaning. The owner of a PBF shall ensure that:

- (a) The deck area is maintained to be free of litter and visible dirt; and
- (b) Hose bibs with vacuum breakers are provided to flush the deck areas.

Env-Wq 110508.12 PBF Bacteriological Water Quality Standards. The owner of a PBF shall not allow bathers to use the ~~pool or spa at the~~ PBF unless the water in the ~~pool or spa~~ **PBF** meets the following bacteriological standards:

- (a) Less than one total coliform bacteria count per 100 milliliters of water;
- (b) Less than 200 non-coliform bacteria counts per 100 milliliters of water;
- (c) Less than one *Pseudomonas aeruginosa* counts per 100 milliliters; and
- (d) Less than 200 heterotrophic bacteria colony forming units per one milliliter of water.

Env-Wq 110508.13 PBF Chemical and Physical Water Quality Standards.

(a) The owner of a PBF shall not allow bathers to use the ~~pool or spa at the~~ PBF unless the water therein meets the following chemical and physical standards:

- (1) The pH shall be between 7.0 and 7.8;
- (2) Clarity shall be such that the main drains are clearly visible at all times;
- (3) Heated swimming, wading, and special recreation pool water temperature shall not exceed 89°F, equivalent to 32°C;
- (4) Heated therapy pool and spa water temperature shall not exceed 104°F, equivalent to 40°C;
- (5) Turbidity shall not exceed ~~2~~**1.0** nephelometric turbidity units (NTU);
- (6) For swimming, wading, and special recreation pool water:
 - a. The free available chlorine level shall be 1 to 5 milligrams per liter (mg/L); or
 - b. The free available bromine level shall be 2 to 10 mg/L;
- (7) For therapy pool and spa water, the free available chlorine or free available bromine level shall be 2 to 10 mg/L;
- (8) The combined chlorine level shall not exceed 0.5 mg/L;
- (9) Where an ORP controller is used, the minimum set point value shall not be less than 650 mV;
- (10) The cyanuric acid level shall not exceed 50 mg/L; and

(11) The total alkalinity shall be 60 to 180 mg/L.

(b) No chemical shall be manually ~~fed~~***added to the water*** while the pool is open for operation.

Env-Wq 110508.14 Water Quality Standards for Designated Beaches.

(a) As established by RSA 485-A:8, a designated beach shall be considered unsafe for public use if:

(1) The standard specified in (b)(1) or (c)(1), below, as applicable, is exceeded by 70 counts in any one sample or by any amount in 2 or more samples taken during the same sampling event; or

(2) The standard specified in (b)(2) or (c)(2), below, as applicable, is exceeded in 3 samples over a 60-day period.

(b) For freshwater beaches, the standards shall be:

(1) For purposes of (a)(1), above, E. coli bacteria are present in numbers greater than 88 counts/100 mL of water; or

(2) For purposes of (a)(2), above, E. coli bacteria are present in numbers greater than a geometric mean of 47 counts/100 mL of water.

(c) For saltwater beaches, the standards shall be:

(1) For purposes of (a)(1), above, Enterococci bacteria are present in numbers greater than 104 counts/100 mL of water; or

(2) For purposes of (a)(2), above, Enterococci bacteria are present in numbers greater than a geometric mean of 35 counts/100 of water.

(d) If test results exceed the applicable standard in (a) - (c), above, the owner shall:

(1) Retest for bacteria; and

(2) Post a bacteria advisory provided by the department.

(e) The owner shall post a cyanobacteria advisory provided by the department whenever a cyanobacteria scum is present in the bathing area that is dominant and represents more than 50% of the algal cell count or the total cell count of cyanobacteria at the beach area is greater than 70,000 total cells/ml of water.

Env-Wq 110508.15 Water Quality for Flow-through Bathing Places.

(a) Water in flow-through bathing places shall meet the bacteriological quality requirements for Class B waters as specified in RSA 485-A:8.

(b) Water flow in a flow-through bathing place shall be a minimum of 2 gallons per minute of water flow per bather, based on the maximum expected bathing load.

(c) Water flow at the rate specified in (b), above, shall be maintained by engineered means if necessary when the bathing place is in use.

Env-Wq 110508.16 PBF Water Circulation.

(a) The owner of a PBF shall operate the circulation system continuously during the operating season.

(b) Circulation shall be adequate to maintain water quality standards as specified in Env-Wq 110508.12 and Env-Wq 110508.13.

Env-Wq 110508.17 Filter Cleaning.

- (a) The owner of a PBF shall change or clean and disinfect all cartridge filters when the pressure differential between the influent and effluent lines of the filter reaches 6 pounds per square inch (psi) or the manufacturer's recommended pressure differential, if less than 6 psi.
- (b) If no means of measuring the pressure differential is provided, cartridge filters shall be changed or cleaned and disinfected at least once per day.
- (c) Cartridge filters also shall be cleaned and disinfected in a concentrated chlorine solution or replaced in response to a violation of Env-Wq 110508.12.

Env-Wq 110508.18 Depth Markers and Float Lines.

- (a) The owner of a PBF shall plainly and conspicuously mark the depth of water in feet at or above the waterline on the vertical wall of the ~~pool or spa at the~~ PBF and on the top of the coping or edge of the deck or walkway next to the ~~pool or spa at the~~ PBF.
- (b) Depth markers on surfaces used for walking shall be slip-resistant.
- (c) Depth markers shall be installed at:
 - (1) The maximum and minimum water depths;
 - (2) All points of slope change; ~~and~~
 - (3) Intermediate increments of water depth not to exceed 2 feet, nor spaced at distances greater than 25-foot intervals; ***and***
 - (4) ***When an underwater shelf does not use steps as a transition to the rest of the pool, depth markers of the adjacent pool depth shall be placed at the underwater shelf's edge a minimum of every 10 feet.***
- (d) Depth markers on irregularly shaped pools and spas also shall designate depths at all major deviations in shape.
- (e) Depth markers shall be:
 - (1) At least 4 inch in height;
 - (2) Of contrasting color to the background on which they are applied; and
 - (3) Of a permanent nature, ***provided that semi-permanent markers may be used until the PBF undergoes renovations that allow permanent markers to be affixed.***
- (f) Any ~~pool at a~~ PBF having depths greater than 5 feet shall have a rope with attached floats placed across the pool one to 2 feet from the 5-foot depth on the shallow side of the break.

Env-Wq 110508.19 Water Surface Area Per Bather.

- (a) The surface area of a swimming pool installed prior to ~~the May 1, 2014 effective date of this chapter~~ shall provide not less than 27 square feet of water surface per bather.
- (b) For pools installed on or after ~~the May 1, 2014 effective date of this chapter~~, the following shall apply:
 - (1) In areas of a swimming pool 5-feet deep or less, not less than 15 square feet (sq.ft.) of water surface area shall be provided per bather;

- (2) In areas of a swimming pool greater than 5 feet deep, not less than 25 sq.ft. of water surface area shall be provided per bather; and
- (3) For special recreational pools, not less than 25 sq.ft. of splash zone shall be provided per bather.
- (c) The surface area of a spa shall provide not less than 10 ~~square feet~~ of water surface per bather.

Env-Wq 110508.20 Ladders, Recessed Steps, and ~~Stairs~~ ***Underwater Shelves*** for PBFs.

(a) Subject to ~~(bc)~~, below, the owner of a PBF shall provide ladders, ***or steps, or both***, ~~and stairs~~ as follows:

(1) Where the vertical distance from the bottom of a ~~pool or spa at a PBF~~ to the deck is more than 2 feet, one set of recessed steps ~~or stairs~~, or a ladder, shall be provided for each 75-foot length of perimeter or portion thereof;

(2) Recessed steps or ladders shall be provided:

a. At the deep portion of all swimming pools; and

(3)b. On each side of the pool near the deep end ~~if the swimming pool is more than 30 feet wide, recessed steps or ladders shall be located on each side near the deep end; and~~

(43) Subject to (ed), below, the top edge and leading horizontal edge of each stair tread, step, swim-out, underwater shelf, and spa seat or bench shall be outlined with a continuous 2-inch slip-resistant contrasting tile or other permanent marking that can be seen from the deck and from underwater.

(b) If the owner of a PBF provides underwater shelves, the following shall apply:

(1) Underwater shelves shall not be used in lieu of the steps or ladders required by (a)(2), above;

(2) Underwater shelves shall be not more than 24 inches deep; and

(3) Underwater shelves greater than 12 inches deep shall have steps from the deck to the shelf.

~~(bc)~~ If the owner of a PBF that does not have ladders, ***or steps, or stairs*** as specified in (a), above, is a political subdivision and its local legislative body has not voted or does not vote to approve funding for compliance with (a), above, and compliance is not fully funded by the state, the owner shall not be required to comply with (a), above.

(ed) The owner of a pool or spa that is in operation as of ~~the May 1, 2014 effective date of this chapter~~ shall comply with ~~(a)(4)~~, above, only if the pool or spa to which the requirement applies undergoes renovations that otherwise require the pool or spa to be drained to a point where the ~~stair tread, swim-out steps, underwater shelves~~, or spa seat or bench, as applicable, ~~is~~ ***are*** no longer under water.

Env-Wq 110508.21 Air and Ventilation for Indoor PBFs. ~~Reserved.~~

(a) Ventilation shall be provided through mechanical systems, engineered openings for natural ventilation, or a combination thereof.

(b) Subject to (c), below, air handling systems shall be designed to:

(1) Dehumidify the recirculated air from the enclosed area;

- (2) ***Deliver outside air to the enclosed area;***
 - (3) ***Replace a volume of air equal to the volume of exhausted air, or as required in the air handling system specifications;***
 - (7) ***Prevent any re-entrainment; and***
 - (8) ***Limit physical or electronic access to system controls to the owner, the owner's duly-authorized designee, and the certified pool operator.***
- (c) ***If the owner of a PBF that does not have ventilation as specified in (b), above, is a political subdivision and its local legislative body has not voted or does not vote to approve funding for compliance with (b), above, and compliance is not fully funded by the state, the owner shall not be required to comply with (b), above.***
- (d) ***The owner of a PBF that is in operation as of the effective date of this chapter and that does not have an air handling system, shall comply with (a) and (b), above, only if the facility to which the requirements apply undergoes renovations that make the installation of a suitable air handling system possible.***

Env-Wq 110508.22 Requirements for All Pool or Spa Components.

- (a) Subject to (b), below, any pool or spa component installed on or after ~~the May 1, 2014 effective date of this chapter~~, including but not limited to filters, filter media, pumps, skimmers, valves, flow meters, suction fittings, chemical feeders, and automatic controllers, shall be:
- (1) Certified by NSF or a comparable independent testing organization as meeting applicable NSF/ANSI Standard 50 requirements for the specific use for which it is intended and the specific use conditions to which it will be subject; and
 - (2) Installed and maintained in accordance with its manufacturer's instructions.
- (b) The owner of a pool or spa that is in operation as of ~~the May 1, 2014 effective date of this chapter~~ may continue to use replaceable parts, such as filter media, that do not meet (a)(1), above, until such time as the component which uses the replaceable parts fails or is otherwise being replaced.

Renumber the heading for Env-Wq 1106 as Env-Wq 1109, as follows:

PART Env-Wq 110609 DESIGN AND CONSTRUCTION FEATURES FOR SWIMMING POOLS

Readopt with amendment Env-Wq 1106.01, eff. 5-1-14 (doc. #10577), and renumber as Env-Wq 1109.01, to read as follows:

Env-Wq 110609.01 Minimum Swimming Pool Dimensions.

- (a) As of ~~the May 1, 2014 effective date of this chapter~~, swimming pools at PBFs shall be designed and constructed to meet the dimension standards specified in ANSI/APSP-1 2003 Standard for Public Swimming Pools, available as noted in Appendix B.
- (b) A swimming pool installed prior to ~~the May 1, 2014 effective date of this chapter~~ shall comply with the plans on which the approval was issued.
- (c) ~~A swimming pool approved prior to the 2014 effective date of this chapter but not yet installed shall comply with the approved plans or the standards incorporated in (a), above, at the election of the owner, provided that if the owner elects to install a swimming pool that meets the new standards, the owner shall submit an as-built plan that complies with Env-Wq 1103.06 to the department prior to the pre-operational inspection required by Env-Wq 1103.12.~~ *{no pools in this category}*

Readopt Env-Wq 1106.02, eff. 9-19-15 (doc. #10934), and renumber as Env-Wq 1109.02, to read as follows:

Env-Wq 1106~~09~~02 Materials and Methods of Construction.

(a) Materials of construction for swimming pools shall comply with the following:

- (1) The material shall be smooth, non-toxic, and impervious, finished concrete or concrete block, steel, or fiberglass;
- (2) The pool bottom shall have a non-slip finish;
- (3) Plastic liners may be used in conjunction with any of the materials in (1), above; and
- (4) Asphalt, "black-top," and similar materials shall not be permitted.

(b) The pool bottom shall have a light-colored finish.

(c) Each component of a swimming pool, including all components of the circulation system, shall be installed in accordance with its manufacturer's specifications.

Readopt with amendment Env-Wq 1106.03 through Env-Wq 1106.09, eff. 5-1-14 (doc. #10577), and renumber as Env-Wq 1109.03 through Env-Wq 1109.09, to read as follows:

Env-Wq 1106~~09~~03 Hydraulic Design: Inlets.

(a) Return inlets shall comply with Env-Wq 1105~~08~~22(a)(1).

(b) At least one return inlet shall be provided per 20 gallons per minute (GPM) of total design circulation flow.

(c) Inlets shall be located and directed to provide uniform circulation and uniform disinfectant residual.

(d) Inlets installed in a pool's walls shall be spaced a maximum of 20 feet, center of inlet to center of inlet, around the periphery of the pool.

(e) Inlets installed in a pool's bottom shall be evenly spaced.

(f) The return water flow for each inlet shall not exceed 20 GPM.

(g) The water velocity through each inlet shall not exceed 20 feet per second (fps).

(h) Inlets shall be adjustable to allow for changes in direction of flow.

(i) The flow rate at all inlets shall be balanced, which may be accomplished by connecting the inlets by a continuous loop of pipe.

(j) Inlets shall be designed so as to not constitute a hazard to the user.

(k) Inlets in pools with perimeter overflow systems shall be at least 8 inches below the overflow lip.

(l) In any pool wider than 20 feet, wall inlets shall be permanently directed to half the distance to the longitudinal centerline of the pool.

(m) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.

Env-Wq 1106~~09~~04 Hydraulic Design: Pumps, Drains, and Suction Outlets.

(a) Each pump, drain, and suction outlet shall comply with Env-Wq 1105~~08~~22(a)(1).

(b) Any pool in operation prior to November 1, 2005 with a single outlet or with 2 drains that are less than 3 feet apart may continue to operate provided each outlet is protected by one or more of the methods or devices specified in ANSI/APSP-7, 2013, available as noted in Appendix B.

(c) If suction outlets are used, a minimum of 2 outlets shall be installed at the lowest point of the pool floor.

(d) Each drain in a suction outlet system shall be:

(1) Connected to a common pipe through a tee configuration located such that the drains are hydraulically balanced; and

(2) Designed to handle a minimum of 100% of the total design circulation flow if all other drains are blocked.

(e) Drains shall be spaced:

(1) Not less than 36 inches and not more than 60 inches apart, center to center, from each other; and

(2) Evenly from the side walls.

(f) Drain suction piping shall:

(1) Be sized to ~~take~~***handle*** 100% of the circulation;

(2) Have a minimum nominal pipe size of 2.5 inches when used between multiple drains; and

(3) Be sized to meet the velocity requirements in Env-Wq 110609.06(f).

(g) Each suction outlet in a pool at a PBF shall be protected as required by the VGBA, available as noted in Appendix B.

(h) Each pump shall be equipped with a vacuum and pressure gauge that is separate from the pressure gauge associated with the filter.

Env-Wq 110609.05 Hydraulic Design: Skimmers and Overflow Systems.

(a) Each component of a skimmer or overflow system shall comply with Env-Wq 110508.22(a)(1).

(b) The total capacity of all skimmer/overflow systems in any pool shall be at least 100% of the required flow of the circulation system, constructed to provide overflow return around the entire periphery of the pool.

(c) There shall be one skimmer for 500 square feet of pool surface or fraction thereof and no less than 2 skimmers total.

(d) Skimmers shall:

(1) Be located so as to maintain effective skimming action over the entire water surface of the pool;

(2) Have proportioning valves that are adjusted such that the flow rate through the skimmers removes debris from the water surface;

(3) Have a minimum intake throat width of 5 inches, measured at the weir location;

(4) Have a weir that adjusts automatically to variations in water level of at least 4 inches; and

- (5) Be installed so that the operating level of the pool is not more than 9 inches below the finished deck level.
- (e) No skimmer on a pool installed after ~~the May 1, 2014 effective date of this chapter~~ shall be equipped with an equalizer line. If a skimmer installed prior to ~~the May 1, 2014 effective date of this chapter~~ is equipped with an equalizer line, the suction outlet shall be fitted with a cover that meets the requirements of ANSI/APSP/ICC-16, 2011, available as noted in Appendix B.
- (f) The flow rate through any individual skimmer shall not exceed the maximum flow rate of the skimmer as certified by its manufacturer.
- (g) Skimmer piping shall be sized to handle the maximum flow rate for the required number of skimmers, but in no case less than 100% of the design flow rate.
- (h) Overflow systems shall be capable of handling 100% of the circulation flow without the overflow troughs being flooded.
- (i) Surge capacity equal to or greater than one gallon per square foot of swimming pool water surface area shall be provided either in the system or by use of a surge tank.
- (j) The water level of the swimming pool shall be maintained above the level of the overflow rim, except for the time needed to transfer all of the water that may be in the surge capacity back into the swimming pool after a period of use.
- (k) Perimeter overflow system piping shall be sized to handle 100% of the design flow rate.

Env-Wq 110609.06 Piping.

- (a) All visible piping, including waste lines and valves and other fittings, shall be color coded and labeled to identify their purpose and the direction of flow.
- (b) Unless otherwise specified in an applicable plumbing or building code or local ordinance, the color coding required by (a), above, shall be as specified in table 110609-1, below:

Table 110609-1: Color Coding for Visible Piping, Valves, and Fittings

Purpose	Color
Potable Water	Dark blue
Skimmer or Gutter	Olive Green
Pool Return	Light blue
Main Drain	Black
Alum	Orange
Chlorine, gas or solution	Yellow
Soda Ash	White
Acid	Pink
Backwash	Dark Brown
Sewer or other wastewater	Dark Gray
Deck Drains	Light Brown
Gas other than chlorine <i>or compressed air</i>	Red
Compressed Air	Dark Green

- (c) If plastic pipe is proposed, a minimum of Schedule 40 rigid PVC or equivalent that can withstand operating pressures shall be used.
- (d) Flexible pipe shall not be used for pools.

(e) Flexible PVC hoses that meet NSF Standard 50 may be affixed to spa shells where rigid pipes do not provide the necessary angles to connect circulation components.

(f) Piping shall be designed to carry the required quantity of water at a maximum velocity not to exceed 6 fps for suction piping, and not to exceed 10 fps for discharge piping except for copper pipe where the velocity shall not exceed 8 fps.

(g) Return lines, main drain lines, and surface overflow system lines shall each be equipped with proportioning valves.

Env-Wq 110609.07 Filter Systems.

(a) Each component of a filter system shall comply with Env-Wq 110508.22(a)(1).

(b) Each filter system shall include the following:

- (1) A strainer such as a pressure-type sand filter, a diatomaceous earth pressure or suction filter, or a cartridge-type filter;
- (2) A flow meter that also meets the requirements of (c), below;
- (3) A pressure gauge and an air relief valve for each filter;
- (4) A sight glass in each waste line from filter to backwash; and
- (5) A set of instructions for operating and maintaining the system.

(c) Each flow meter installed on a PBF filter system shall be:

- (1) Capable of measuring flows that are at least 1.5 times the design flow rate;
- (2) Accurate within 10% of true flow;
- (3) Located where the operator or an inspector can read the meter in the normal course of operations or during a routine inspection, respectively; and
- (4) Installed in accordance with the manufacturer's specifications.

(d) Pressure-type sand filters also shall comply with the following:

- (1) For low-rate rapid sand filters, the flow rate shall not exceed 3 gallons per minute per square foot of filter area;
- (2) For high-rate rapid sand filters, the flow rate shall not exceed 15 gallons per minute per square foot of filter area; and
- (3) Back wash flow rates shall be 10 to 15 gallons per minute per square foot of filter area.

(e) Diatomaceous earth pressure or suction filters shall comply with the following:

- (1) The flow rate shall not exceed 2.0 gallons per minute per square foot of filter area; and
- (2) Filter piping shall provide for circulation through the filter only or be capable of selection to discharge to waste.

(f) For cartridge-type filters, filter flow rates shall not exceed 0.375 gallons per minute per square foot of filter media.

(g) Filter backwash and wastewater disposal shall be as follows:

- (1) Sewage shall be discharged into either a public sewer or a subsurface disposal system approved under RSA 485-A:29-44 and Env-Wq 1000;
- (2) Backwash shall be discharged into a public sewer through an air gap of not less than one inch or into a subsurface disposal system approved under RSA 485-A:29-44 and Env-Wq 1000; and
- (3) When a pool or spa at a PBF is drained by discharge to a public sewer, the free disinfectant residual shall not exceed 3 mg/L chlorine or bromine.

Env-Wq 110609.08 Disinfection Methods.

- (a) Each component of a ***primary*** disinfection system shall comply with Env-Wq 110508.22(a)(1).
- (b) A PBF shall use at least one of the following ***primary*** disinfection methods in order to meet the water quality standards specified in Env-Wq 110508.12 and Env-Wq 110508.13 for each ~~pool or spa at the~~ PBF:
 - (1) A positive displacement pump type disinfection unit providing hypochlorination;
 - (2) A disinfection unit that controls the rate of hypochlorite or bromine tablet erosion; or
 - (3) A salt electrolytic chlorine generator.
- (c) A disinfection unit as specified in ~~(ab)~~(1) or (2), above, shall be capable of feeding at a rate to permit a free residual chlorine concentration of 10 mg/L or a free residual bromine concentration of 22.5 mg/L to be maintained in the pool.
- (d) A salt electrolytic chlorine generator ("ECG") as specified in ~~(ab)~~(3), above, shall:
 - (1) Have a total dissolved solids (TDS) readout, a low salt indicator, and integrated pH monitoring and management;
 - (2) Have a feed rate that is adjustable from zero to full range;
 - (3) Be capable of providing a chlorine dosage equivalent to 100% of the total daily requirement during peak bather load;
 - (4) Be installed according to manufacturer's instructions; and
 - (5) Maintain the saline content of the pool or spa water in the required range specified by the manufacturer.
- (e) Gaseous chlorine shall not be ~~permitted~~***used*** as a disinfection method.
- (f) Stabilized chlorine or bromine shall not be ~~permitted~~***used*** as a disinfection method for indoor facilities.
- (g) Each disinfection unit and ECG shall be:
 - (1) Installed in accordance with the manufacturer's instructions; and
 - (2) Wired such that the chemical feed equipment cannot operate when circulation flow stops.

Env-Wq 110609.09 Turn-over Rates.

- (a) Any swimming pool installed on or after ~~the May 1, 2014 effective date of this chapter~~ ***May 1, 2014*** shall have a minimum circulation flow rate of one pool water turnover every 6 hours.

(b) If any swimming pool installed prior to May 1, 2014 that, when operated in accordance with these rules cannot consistently maintain water quality, is substantially modified after the 2020 effective date of this chapter, the final minimum circulation flow rate shall be one pool water turnover every 6 hours.

~~(bc)~~ For swimming pools installed prior to the ~~May 1, 2014 effective date of this chapter~~ ***and not substantially modified thereafter***, the following shall apply:

- (1) Any swimming pool with an average water depth of greater than 4 feet shall have a minimum circulation flow rate of one pool water turnover every 8 hours; and
- (2) Any swimming pool with an average water depth of 4 feet or less shall have a minimum circulation flow rate of one pool water turnover every 6 hours.

Readopt with amendment Env-Wq 1107 through Env-Wq 1110, eff. 5-1-14 (doc. #10577), and renumber as Env-Wq 1110 through Env-Wq 1113, to read as follows:

PART Env-Wq 1107***10*** DESIGN AND CONSTRUCTION FEATURES FOR SPAS

Env-Wq 1107***10***.01 Minimum Spa Dimensions.

- (a) The maximum water depth of a spa shall be 4 feet measured from the water line.
- (b) The maximum depth of any seat or bench in a spa shall be 2 feet measured from the water line.
- (c) The floor slope of a spa shall not exceed one foot in 12 feet.
- (d) Spas shall be provided with suitable handholds around their perimeter in areas where water depths exceed 3 feet 6 inches.

Env-Wq 1107***10***.02 Materials and Methods of Construction.

- (a) The selection of all materials for components and accessories to be used in and around spas shall be such that all parts with external surfaces and edges that may come in contact with the user are assembled, arranged, and finished so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard under casual contact.
- (b) The selection of component and accessory materials to be used in and around spas shall be such that the assembled and installed product shall:
 - (1) Not*** be toxic to man or harmful to the environment; and ~~shall~~
 - (2) Be*** chemically compatible with the materials and environment contacted under intended use ***conditions.***
- (c) Spa surfaces shall be smooth, abrasion free, readily cleanable, and slip-resistant where intended for footing.
- (d) Each component of a spa, including all components of the circulation system, shall:
 - (1) Comply with Env-Wq 1105***08***.22(a)(1); and
 - (2) Be installed in accordance with its manufacturer's specifications.

Env-Wq 1107***10***.03 Spa Inlets, Outlets, and Pumps.

- (a) Inlets for spas shall be arranged so as to provide uniform circulation and uniform disinfectant residual.

- (b) A minimum of 2 inlets shall be provided for each spa, with inlets added as necessary to accommodate the designed flow rate.
- (c) Spa inlets shall be adjustable to allow for changes in direction of flow.
- (d) A minimum of 2 outlets shall be provided for each pump in the spa's circulation system.
- (e) The outlets shall be:
 - (1) Separated by a minimum of 3 feet or located on 2 different planes;
 - (2) Connected to a common pipe through a tee configuration located such that the drains are hydraulically balanced;
 - (3) Provided with a cover that complies with ANSI/APSP/ICC-16, 2011, available as noted in Appendix B; and
 - (4) Protected as required by the VGBA, available as noted in Appendix B.
- (f) Piping of the spa's drain outlet shall be capable of handling 100% of the circulation.
- (g) Each pump shall be equipped with a vacuum and pressure gauge that is separate from the pressure gauge associated with the filter.

Env-Wq 110710.04 Spa Circulation Systems.

- (a) A spa shall be operated with a continuous overflow.
- (b) The circulation system of a spa shall be separate from that of any companion pool(s).
- (c) The circulation system of a spa shall maintain water quality to the standards specified in Env-Wq 110508.12 and Env-Wq 110508.13.
- (d) The flow rate through the spa's skimmers shall be designed to:
 - (1) Provide more than 50% of the total turnover rate; and
 - (2) For each skimmer, not exceed the maximum flow rate of the skimmer as certified by its manufacturer.
- (e) The minimum acceptable width for the intake throat of a skimmer used in a spa, measured at the weir location, shall be 5 inches.
- (f) Where surface skimmers are used as the spa's sole overflow system, one surface skimmer shall be provided for each 100 square feet or fraction thereof of the spa's surface area with no less than 2 skimmers total.
- (g) Skimmers used in a spa shall:
 - (1) Be located so as to maintain effective skimming action over the entire surface area of the spa; and
 - (2) Have proportioning valves that are adjusted such that the flow rate through the skimmers removes debris from the water surface.

Env-Wq 110710.05 Spa Filter Requirements.

- (a) The filter system for a spa shall meet the same requirements as specified in Env-Wq 110609.07.

(b) A spa shall have a filtration system with piping, pumps, filters, disinfection and other equipment which maintain water quality to the standards of Env-Wq 110508.12 and Env-Wq 110508.13.

Env-Wq 110710.06 Disinfection. A spa shall meet the same disinfection requirements as specified in Env-Wq 110609.08.

Env-Wq 110710.07 Turn-over Rate. A spa shall be operated so as to circulate, filter, and disinfect the entire volume of spa water no less than once every 30 minutes.

PART Env-Wq 110811 DESIGN AND CONSTRUCTION FEATURES FOR WADING POOLS

Env-Wq 110811.01 Minimum Wading Pool Dimensions.

- (a) The maximum water depth of a wading pool shall be 2 feet measured from the water line.
- (b) The floor slope of a wading pool, if any, shall not exceed one foot in 12 feet.

Env-Wq 110811.02 Materials of Construction.

(a) The selection of all materials for components and accessories to be used in and around wading pools shall be such that all parts with external surfaces and edges that may come in contact with the user are assembled, arranged, and finished so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard under casual contact.

(b) The selection of component and accessory materials to be used in and around wading pools shall be such that the assembled and installed product shall not be toxic to man or harmful to the environment and shall be chemically compatible with the materials and environment contacted under intended use.

- (c) Wading pool surfaces shall be smooth, abrasion free, readily cleanable, and slip-resistant.

Env-Wq 110811.03 Wading Pool Inlets and Outlets.

- (a) Each component of a wading pool, including all components of the circulation system, shall:
 - (1) Comply with Env-Wq 110508.22(a)(1); and
 - (2) Be installed in accordance with its manufacturer's specifications.
- (b) Non-circulated wading pools shall not be permitted.
- (c) Inlets and drains for wading pools shall provide for uniform circulation and uniform disinfectant residual, in accordance with Env-Wq 110609.03 through Env-Wq 110609.06.
- (d) One inlet shall be provided for each 20 feet of wading pool perimeter, with a minimum of 2 inlets.
- (e) A minimum of 2 drain outlets shall be provided for each pump in the wading pool's circulation system.
- (f) The wading pool's outlets shall be:
 - (1) Separated by a minimum of 3 feet or located on 2 different planes;
 - (2) Connected to a common pipe through a tee configuration located such that the drains are hydraulically balanced;
 - (3) Provided with a cover that complies with ANSI/APSP/ICC-16, 2011, available as noted in Appendix B; and

- (4) Protected as required by the VGBA, available as noted in Appendix B.
- (g) The total velocity through the wading pool's drainage grate openings shall not exceed 1.5 fps.
- (h) Piping of the wading pool's drain outlet shall be capable of handling 100% of the circulation.
- (i) If the circulation system on a wading pool ~~installed prior to November 1, 2005~~ does not comply with (a) through (g), above, the owner shall close the wading pool until such time as the requirements of (a) through (g), above, are met.

Env-Wq 1108~~11~~.04 Wading Pool Circulation Systems.

- (a) The circulation system of a wading pool shall be separate from that of any companion pool(s).
- (b) Return lines, main drain lines, and surface overflow system lines, shall each be equipped with proportioning valves.
- (c) The flow rate through the wading pool's skimmers shall be designed to:
 - (1) Provide more than 50% of the total turnover rate; and
 - (2) For each skimmer, not exceed the maximum flow rate of the skimmer as certified by its manufacturer.
- (d) Skimmers used in a wading pool shall:
 - (1) Be located so as to maintain effective skimming action over the entire water surface of the wading pool; and
 - (2) Have proportioning valves that are adjusted such that the flow rate through the skimmers removes debris from the water surface.
- (e) The minimum acceptable width for the intake throat of a wading pool's skimmer, measured at the weir location, shall be 5 inches.
- (f) Where surface skimmers are used as the sole overflow system, one surface skimmer shall be provided for each 100 square feet or fraction thereof of the wading pool's surface area with no less than 2 skimmers total.
- (g) The circulation system shall maintain wading pool water quality in accordance with Env-Wq 1105~~08~~.12 and Env-Wq 1105~~08~~.13.
- (h) Recreational features such as small slides and toy animals-placed within a wading pool shall not interfere with the proper water circulation in the wading pool.

Env-Wq 1108~~11~~.05 Wading Pool Filter Requirements

- (a) The filter system for a wading pool shall meet the same standards as specified in Env-Wq 1106~~09~~.07.
- (b) The filtration system shall maintain wading pool water quality in accordance with Env-Wq 1105~~08~~.12 and Env-Wq 1105~~08~~.13.

Env-Wq 1108~~11~~.06 Disinfection. Wading pools shall meet the same disinfection requirements as specified in Env-Wq 1106~~09~~.08.

Env-Wq 1108~~11~~.07 Turn-over Rate.

(a) Any wading pool with a maximum water depth greater than 12 inches shall have a minimum circulation flow rate of one pool water turnover per 4 hours.

(b) Any wading pool with a maximum water depth 12 inches or less shall have a minimum circulation flow rate of one pool water turnover per one hour.

PART Env-Wq 1109~~12~~ DESIGN AND CONSTRUCTION FEATURES FOR SPECIAL RECREATION POOLS

Env-Wq 1109~~12~~.01 Special Recreation Pool Minimum Dimensions.

(a) The water depth at the end of the flume and for 20 feet minimum straight distance from the end of the flume shall be 3 feet.

(b) A non-slip entrance into and exit from the special recreation pool water shall be provided.

(c) There shall be a minimum distance of 5 feet between a slide and the side wall of the receiving pool.

(d) There shall be a minimum distance of 6 feet between slides that discharge to the same receiving pool.

Env-Wq 1109~~12~~.02 Materials of Construction. Materials for special recreation pools shall be in accordance with Env-Wq 1106~~09~~.02.

Env-Wq 1109~~12~~.03 Hydraulic Design.

(a) Hydraulic design for special recreation pools shall be in accordance with Env-Wq 1106~~09~~.03 through Env-Wq 1106~~09~~.06.

(b) Slide pump intakes shall be in a reservoir separate from the receiving pool.

Env-Wq 1109~~12~~.04 Filter Requirements. Special recreation pools shall meet the same filter requirements as specified in Env-Wq 1106~~09~~.07 and shall maintain water quality standards as specified Env-Wq 1105~~08~~.12 and Env-Wq 1105~~08~~.13.

Env-Wq 1109~~12~~.05 Disinfection. Special recreation pools shall meet the same disinfection requirements as specified in Env-Wq 1106~~09~~.08.

Env-Wq 1109~~12~~.06 Turn-over Rate. Circulation flow rates shall be one turnover per hour.

PART Env-Wq 1140~~13~~ DESIGN AND CONSTRUCTION FEATURES FOR THERAPY POOLS

Env-Wq 1140~~13~~.01 Therapy Pool Minimum Dimensions. Floor configuration for therapy pools may vary due to the variety of depth needs unique to the use of therapy pools.

Env-Wq 1140~~13~~.02 Materials of Construction. Materials for therapy pools shall be in accordance with Env-Wq 1106~~09~~.02.

Env-Wq 1140~~13~~.03 Hydraulic Design. Hydraulic design for therapy pools shall be in accordance with Env-Wq 1106~~09~~.03 through Env-Wq 1106~~09~~.06.

Env-Wq 1140~~13~~.04 Filter Requirements. Therapy pools shall meet the same filter requirements as specified in Env-Wq 1106~~09~~.07 and shall maintain water quality standards as specified Env-Wq 1105~~08~~.10-12 and Env-Wq 1105~~08~~.13.

Env-Wq 114013.05 Disinfection. Therapy pools shall meet the same disinfection requirements as specified in Env-Wq 110609.08.

Env-Wq 114013.06 Turn-Over Rates. A therapy pool shall have a minimum circulation flow rate of one pool water turnover per 4 hours.

Adopt Env-Wq 1114 and Env-Wq 1115, to read as follows:

PART Env-Wq 1114 PBF EMERGENCY CLOSURE PROCEDURE

Env-Wq 1114.01 Purpose. *The purpose of this part is to implement RSA 485-A:27, II relative to emergency closures of PBFs.*

Env-Wq 1114.02 Grounds for an Emergency Closure. *As specified in RSA 485-A:27, II(a), violation of the following standards shall form the basis for an emergency closure order:*

- (a) Bacteriological water quality standards, as specified in Env-Wq 1105.12;*
- (b) Chemical water quality standards, as specified in Env-Wq 1105.13(a)(1), (6), (7), (8), (10), and (b);*
- (c) Physical water quality standards, as specified in Env-Wq 1105.13(a)(2),(5); and*
- (d) Patron safety requirements relating to:*
 - (1) Emergency response, as specified in Env-Wq 1107.04(c) or Env-Wq 1107.05(b), as applicable;*
 - (2) Emergency rescue equipment, as specified in Env-Wq 1107.06(a)(1) and (2);*
 - (3) First aid kits, as specified in Env-Wq 1107.06(a)(3);*
 - (4) Suction outlet covers/grates, as specified in Env-Wq 1109.04(g); and*
 - (5) Security fencing, as specified in Env-Wq 1108.08 or Env-Wq 1108.09, as applicable.*

Env-Wq 1114.03 Closing Procedure.

(a) If as a result of an on-site inspection the department determines that one or more of the violations noted in Env-Wq 1114.02 are present and that the deficiencies threaten the health or safety of patrons of the facility, the department shall issue an emergency closure notice to the PBF owner or the owner's on-site representative.

(b) The notice issued shall state with specificity:

- (1) The identity of each pool and spa to be closed;*
- (2) The violation(s) that form the basis of the closure notice for each pool and spa;*
- (3) The action(s) the department requires the PBF owner to take to correct all identified violations; and*
- (4) How to reopen the PBF once all deficiencies have been corrected.*

(c) As required by RSA 485-A:27, II(c), upon receipt of an emergency closure notice, the PBF owner shall:

- (1) Immediately close each identified pool and spa; and*

- (2) *Not reopen the pool until each deficiency cited in the emergency closure notice has been corrected and the department has confirmed the corrections.*
- (d) *As provided in RSA 485-A:27, II(d):*
- (1) *If an owner believes an emergency closure notice has been issued in error, the owner shall notify the department in writing, which may be sent by email, fax, United States Postal Service delivery, or private delivery;*
- (2) *The written notice shall identify each reason why the owner or operator believes the emergency closure notice is not appropriate; and*
- (3) *The department shall provide the owner or operator with an opportunity for an adjudicative hearing within 10 days of receiving the written notice.*
- (e) *If a hearing pursuant to (d), above, is held and the PBF owner is aggrieved by the decision of the department after the hearing, the owner may appeal the decision as an enforcement decision to the water council as provided in RSA 21-0:14.*

Env-Wq 1114.04 Reopening Procedure Following an Emergency Closure.

- (a) *Once the PBF owner has corrected all deficiencies listed on the emergency closure notice, the owner shall contact the department in writing by mail or email to:*
- (1) *Inform the department of what actions have been taken to address the identified violations, which shall include water quality test results if water quality standard violations formed the whole or partial basis for the emergency closure notice; and*
- (2) *Request a follow-up inspection and water test, as applicable.*
- (b) *Within 10 days of receiving a request pursuant to (a), above, the department shall review the request to determine if the PBF is ready to reopen, provided that the department shall conduct an inspection if necessary to confirm that the violations have been corrected.*
- (c) *If the PBF owner has corrected all violations, the department shall notify the owner that the PBF may be reopened.*
- (d) *If the PBF owner has not corrected all violations, the department shall not allow the facility to reopen, and shall provide the owner with a list of further actions to be taken in order to come into compliance.*

PART Env-Wq 1115 EQUIVALENT PROGRAMS

Env-Wq 1115.01 Purpose. The purpose of this part is to:

- (a) *Implement RSA 485-A:26, IV relative to equivalent municipal programs of sampling and analysis; and*
- (b) *Establish a process whereby municipalities may voluntarily establish inspection programs that are equivalent to the department's so as to have more direct oversight of the municipality's own PBFs, and, if desired, the other PBFs within the municipality.*

Env-Wq 1115.02 Equivalent Program Application Process.

- (a) *Any municipality that wishes to establish an equivalent program of sampling and analysis shall submit to the department a written request for approval that contains the information specified in Env-Wq 1115.03 and is signed as specified in (c) and (d), below;*

(b) The applicant shall submit the materials required by (a), above, to the department through an online portal, if available, or at the following address:

*DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: PBF Program Manager*

(c) An authorized representative of the municipality shall sign and date the application. If the application is submitted electronically, the submittal itself shall constitute the signature and the date shall be the date of receipt by the department.

(d) The signature shall constitute certification that:

(1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and

(2) The signer understands that:

a. The submission of false, incomplete, or misleading information is grounds for denying the application or revoking any approval that is issued based on the information; and

b. That he or she is subject to the penalties established in New Hampshire law for making unsworn false statements.

Env-Wq 1115.03 Equivalent Program Application Contents. The application for approval of an equivalent program of sampling and analysis shall include the following information:

(a) The name of the municipality submitting the application;

(b) The name, title, mailing address, email address, and daytime telephone number of the authorized representative for the municipality's program;

(c) A plan detailing how the municipality will conduct sampling and analysis for biological and chemical water quality that is equivalent to the department's;

(d) A timeline for training all staff to be involved in sampling and analysis or a request for such training from the department;

(e) The date by which the municipality intends to implement its equivalent program; and

(f) Whether the municipality intends to implement the program with respect to only those PBFs owned by the municipality or also to all other PBFs in the municipality.

Env-Wq 1115.04 Optional Inspection Program. A municipality seeking approval for an equivalent program of sampling and analysis may also seek approval for an equivalent program of inspections by providing the following information:

(a) A plan detailing how the municipality will conduct inspections that are equivalent to the department's in the areas listed in Env-Wq 1114.02(c)-(d);

(b) A timeline for training all staff to be involved in the inspections or a request for the department to provide such training; and

(c) Whether the municipality intends to implement the program with respect to only those PBFs owned by the municipality or also to all other PBFs in the municipality.

Env-Wq 1115.05 Review of Applications.

(a) *Upon receiving a complete application package as specified in Env-Wq 1115.02, with or without the optional information as specified in Env-Wq 1115.04, the department shall review the application.*

(b) *The department shall approve the proposed equivalent program if the department determines that the proposed program is equivalent to the department's.*

(c) *The department shall inform the applicant of its decision in writing. If the application is denied, the decision shall state the reasons(s) for the denial.*

Env-Wq 1115.06 Maintaining Equivalent Program Status. *In order for a municipality to maintain its status as an equivalent program, it shall:*

(a) *Have available to the department, all sampling and analysis records and, if an inspection program was approved, all inspection reports and related documents for not less than 3 years;*

(b) *Update the department of any changes in the staff responsible for the sampling and analysis program and, if applicable, the inspection program within 30 days of the change; and*

(c) *Notify the department annually of the municipality's intent to continue the equivalent program no later than May 1st of each year.*

Env-Wq 1115.07 Effect of Approved Equivalent Program. *The following shall apply in any municipality that has an approved equivalent program:*

(a) *If the approved program is for sampling and analysis only, the department shall continue to inspect all PBFs in the municipality for compliance with the areas covered by Env-Wq 1114.02(c)-(d); and*

(b) *If the approved program is for municipal PBFs only, the department shall continue to inspect all other PBFs in the municipality.*

Env-Wq 1115.08 Suspension or Revocation of Approval.

(a) *If the department receives information that supports a determination that the municipality is not implementing an approved program in accordance with the approval, the department shall initiate an adjudicative proceeding under RSA 541-A:31 And Env-C 200 to provide an opportunity to the municipality to show cause why the approval should not be revoked.*

(b) *If as a result of the proceeding initiated under (a), above, the department determines that the municipality is not implementing the approved program in accordance with the approval but that the municipality can change how it is implementing the program to comply with the approval, the department shall suspend the approval until the municipality provides proof that it has corrected the deficiencies.*

(c) *If as a result of the proceeding initiated under (a), above, the department determines that the municipality is not implementing the approved program in accordance with the approval and that the municipality cannot or will not change how it is implementing the program to comply with the approval, the department shall revoke the approval.*

(d) *A municipality whose approval has been suspended pursuant to this section shall not conduct any sampling and analysis or other inspections until the approval has been reinstated.*

(e) *A municipality whose approval has been revoked that wishes to resume an equivalent program shall apply as specified in Env-Wq 1115.02, provided that in addition to the required information, the*

municipality shall provided a clear and concise written explanation as to what has been done to correct the situation or circumstances that previously prevented it from implementing the program as approved.

Readopt with amendment Env-Wq 1111, eff. 5-1-14 (doc. #10577), and renumber as Env-Wq 1116, to read as follows:

PART Env-Wq 1144~~16~~ WAIVERS

Env-Wq 1144~~16~~.01 Purpose. The purpose of this ~~section~~***part*** is to accommodate situations where:

(a) Strict compliance with the requirements in this chapter would result in a design or method of operation that is not in the best interests of public health or the environment; or

(b) An alternative method or material is available that would provide at least the same degree of protection to public health and the environment as the method or material specified.

Env-Wq 1144~~16~~.02 Request for Waiver.

(a) Any owner of a public bathing place who wishes to request a waiver of one or more specific requirements of this chapter shall submit a request for a waiver to the department in writing as set forth in this section.

(b) A request to waive a design requirement shall be submitted with the application filed pursuant to Env-Wq 1103.02 or as soon thereafter as the need for the waiver becomes known to the applicant.

(c) A request to waive an operational requirement may be submitted whenever the owner becomes aware that a waiver is needed.

(d) The waiver request shall include the following:

(1) The name, mailing address, and daytime telephone number of the owner of the public bathing place to which the request relates and, if available, a fax number and email address;

(2) The name, mailing address, and daytime telephone number and, if available, the fax number and email address of the person requesting the waiver, if other than the owner;

(3) Identification of the rule for which a waiver is requested;

(4) A full explanation of why a waiver is necessary, including an explanation of the economic and operational consequences of complying with the rule as written;

(5) For waivers of operational requirements where the owner is not proposing to implement an alternative to the stated requirement, the length of time the owner needs to come into compliance with the stated requirement;

(6) If the waiver is based on strict compliance with the rule not being in the best interests of public health or the environment:

a. An explanation of why strict compliance would not be in the best interests of public health and the environment; and

b. A description of any alternative methods, procedures, or designs that will be used in lieu of complying with the rule;

(7) If the waiver is based on an alternative method or material being available that would provide at least the same degree of protection to public health and the environment as the method or material specified:

- a. A description of the proposed method or material; and
- b. An explanation of why the proposed method or material provides the same degree of protection to public health and the environment as the method or material specified;
- (8) Supporting data for the proposed alternative(s); and
- (9) An explanation of how granting the request would be consistent with the criteria specified in Env-Wq 1144~~16~~**16.03(c)**.
- (e) The requestor shall submit the request to the department at the address specified in Env-Wq 1103.02(c).
- (f) The ~~applicant~~**requestor** and the owner, if other than the ~~applicant~~**requestor**, shall sign and date the application form.
- (g) The signature(s) shall constitute certification that:
 - (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
 - (2) The signer understands that:
 - a. The submission of false, incomplete, or misleading information is grounds for denying the waiver request or revoking any waiver that is granted based on the information; and
 - b. That he or she is subject to ~~the penalties specified~~**for falsification in official matters, currently** in RSA 641:3, ~~as reprinted in Appendix E, for making unsworn false statements.~~

Env-Wq 1144~~16~~**16.03** Review of Request; Criteria for Granting Request.

- (a) The department shall review a request for a waiver of a design requirement as part of the review of the application submitted pursuant to Env-Wq 1103.02.
- (b) The department shall review a request for a waiver of an operational requirement within 15 working days of receiving the request.
- (c) The department shall grant a waiver if the department determines that:
 - (1) The requirement is not established in a statute or that the statute which establishes the requirement expressly authorizes waivers to the requirement to be granted; and
 - (2) Granting the waiver will not result in a lower level of protection being afforded to public health or the environment than complying with the rule as adopted.
- (d) The department shall include such conditions in the waiver as are necessary to ensure the criteria of (c), above, are met.
- (e) For operational waivers where the owner is not proposing to implement an alternative to the stated requirement, the department shall specify the expiration date of the waiver.
- (f) The department shall notify the owner of the decision on the waiver request in writing. If the request is denied, the decision shall specify the reason(s) for the denial.

APPENDIX A: STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-Wq 1100 (see also specific parts below)	RSA 485-A:26 through 27-a
Env-Wq 1104	RSA 485-A:26, II(b)-(d)
Env-Wq 1105	RSA 485-A:26-a
Env-Wq 1106	RSA 485-A:27-a
Env-Wq 1114	RSA 485-A:27, II
Env-Wq 1115	RSA 485-A:26, IV
Env-Wq 1116	RSA 541-A:22, IV

APPENDIX B: INCORPORATED REFERENCES

Rule Section(s)	Title, Date	Obtain at:
Env-Wq 1106.03(d)(5) Env-Wq 1106.04(b)	Section 6.2, Model Aquatic Health Code, 3rd edition, 2018	U.S. DHHS, Centers for Disease Control and Prevention Download for free at: https://www.cdc.gov/mahc/pdf/2018-MAHC-Code-Clean-508.pdf
Env-Wq 110609.01(a)	ANSI/APSP-1, 2003 American National Standard for Public Swimming Pools	The Association of Pool & Spa Professionals (APSP) 2111 Eisenhower Ave. Alexandria, VA 22314
Env-Wq 110609.04(b) Env-Wq 110710.03(f)(2) Env-Wq 110811.03(e)(2)	ANSI/APSP-7, 2013 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins	Phone: 703.838.0083 Fax: 703.549.0493 Web: www.APSP.org
Env-Wq 110609.05(f) Env-Wq 110710.03(e)(3) Env-Wq 110811.03(f)(3)	ANSI/APSP/ICC-16 2011 American National Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs	ANSI/APSP-1 \$350 ANSI/APSP-7 \$165 ANSI/APSP-16 \$150
Env-Wq 110609.04(g) Env-Wq 110710.03(e)(4) Env-Wq 110811.03(f)(4)	Virginia Graeme Baker Pool and Spa Safety Act, 2007	Free On-line at http://www.poolsafely.gov

APPENDIX C: STATE STATUTORY DEFINITIONS

RSA 141-C:2

VI. “Communicable disease” means illness due to a microorganism, virus, infectious substance, biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, which may be transmitted directly or indirectly to any person from an infected person, animal or arthropod (including insecta or arachnida) or through the vehicle of an intermediate host, vector, or inanimate environment.

RSA 485-A:2

IX. “Person” means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

RSA 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

I. In this section:

(a) “Pool” means a man-made structure and associated pump, filter, drain, and electrical equipment that is used for recreational or therapeutic bathing, swimming, diving, or other contact with the water such as by wading, splashing, tubing, or sliding. "Pool" shall include, but is not limited to, swimming pools, therapy pools, spas, special recreation pools, slides, and tubing courses, at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in RSA 216-I:1, VII. "Pool" shall not include any pool, spa, or other pool that serves 3 or fewer living units and is used only by the residents of the living units and their guests, and does not include baptismal fonts or similar structures owned by a religious organization and used for religious rituals.

(b) “Public bathing facility” means a pool that is operated by or for any governmental subdivision, public or private corporation, partnership, association, or educational institution and that is open to the public, members, or students, whether for a fee or free.

APPENDIX D: ADDITIONAL DEFINITIONS

Virginia Graeme Baker Pool and Spa Safety Act - Pub. L. 110-140

Sec. 1403. Definitions.

(7) UNBLOCKABLE DRAIN.—

The term ‘unblockable drain’ means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

ANSI/APSP-7, 2013

Gravity flow systems are systems that incorporate a receptacle or container as part of a circulation system that is vented to atmosphere and receives water from the pool/spa or water feature by force of gravity, from which the pump draws its water supply. [from definition of vented reservoir]

vented reservoir: A receptacle or container incorporated as part of a circulation system that is vented to atmosphere and receives water from the pool/spa or water feature by force of gravity, from which the pump draws its water supply. Systems including vented reservoirs are commonly referred to as *gravity flow systems*, *gravity feed systems*, or *gravity drainage systems*. Vented reservoirs include but are not limited to the following: catch pools, surge tanks, collector tanks, skimmers open to the atmosphere, atmospheric vent, gutters, overflow gutters, or perimeter gutter systems.

APPENDIX E: STATUTORY PROVISIONS

485-A:27-a Certified Operator Training Required.

I. Effective January 1, 2022, a public bathing facility shall be operated only under the supervision of an individual who has successfully completed a certified pool and spa operator certification program offered by the Association of Pool and Spa Professionals, National Swimming Pool Foundation, or other pool and spa operator certification programs approved by the department.

II.(a) By January 1, 2022, each owner of a public bathing facility that is open for 9 months or more in a calendar year shall submit to the department the name and daytime telephone number including area code of each certified pool operator engaged by the owner to supervise the pool at the facility. The submission of this information shall occur as part of the self-certification in RSA 485-A:26-a.

(b) For facilities that begin operation after January 1, 2022, the information in subparagraph (a) shall be submitted prior to beginning operation.